

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:**

Department of Veterans Affairs
Network 15 Contracting Office
3450 S. 4th Street Trafficway
Leavenworth, KS 66048

Justification and Approval for Other than Full and Open Competition
The purchase request number is 763-14-3-021-0443
Items are to be delivered to the Dallas CMOP.

2. **Nature and/or Description of the Action Being Processed:**

The Dallas-CMOP, 2962 S. Longhorn Drive, Lancaster TX, 75134 Consolidated Mail Outpatient Pharmacy is requesting approval to purchase brand name specific drug items. This is a new procurement and will be a firm fixed price contract. The list below includes all drug items included in this request for brand name or NDC specific drugs. The total estimated value for this request is \$65,100.00.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

ONE TOUCH ULTRA (GLUCOSE) TEST STRIP

- NDC-53885024450 (NO SUBSTITUTES)
- Quantity and Description of request: 50/BOX ONE TOUCH ULTRA (GLUCOSE) TEST STRIP
- Supplier: LIFESCAN
- The estimated Purchase Order value for this request for this item is \$33,600

SET, INFUSION MINIMED #MMT-397

- NDC- 76300039710 (NO SUBSTITUTES)
- Quantity and Description of request: 10/BOX SET,INFUSION MINIMED #MMT-397
- Supplier: MEDTRONICS
- The estimated Purchase Order value is for this request for this item is \$31,500

This is a one-time buy estimated at \$65,100.00 and expected to be delivered by May 12, 2014.

4. **Statutory Authority Permitting Other than Full and Open Competition: 41 USC §253(g), as implemented by FAR 6.302.**

(X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1 (c) *Application for brand name description*: Brand name description application applies.

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority)**: Within the VHA, physicians are specifically writing for these brand name medical supplies to work with the patients Medtronic brand insulin pumps. These supplies are not interchangeable with the Animas products that are found on FSS. The patient is not guaranteed to receive the correct dose of insulin if using another brand other than what matches their pumps, which could be life threatening. No other suitable substitutions have been found.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable**: The requesting pharmacy indicated this medication could be obtained from these three small businesses:

THE RANGER TEAM LLC – SDVOSB
468 B STREET
Ashland, OR 97520-1925

MILLANN LLC - SDVOSB
5116 ROUNDTREE ST
SHAWNEE, KS 66226-3877
PH: 913-378-7284

EMED MEDICAL COMPANY
12163 BRIDGETON SQUARE DRIVE
BRIDGETON, MO 63044
PH: 314-291-3633

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

The DALLAS-CMOP anticipates the cost to the Government will be fair and reasonable based on competition and comparison to recent prices paid by CMOP.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

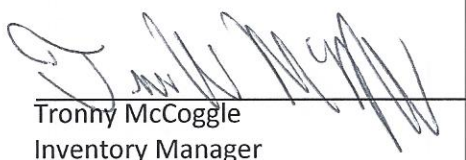
After searching NAC & GSA, there are no available contracts for any of the items requested. Products to be acquired have been prescribed for patients by VA physicians. Pharmacy employees do not have the training and /or authority to countermand physicians orders "Brand Name or NDC Specific" products are the same as "dispense as Written" on physicians prescription. No NDC substitutions are permitted. In the VA, Pharmacy Benefits Management (PBM) has determined that CMOP IDs in the National Drug File (NDF) will most always identify "Brand Specific" products in the VA Print Name. This is not always inclusive where a particular NDC has been determined to be "formulation specific" by clinical evaluation performed by the PBM or in the case where only one product in the marketplace has been identified to contain the specific ingredients to match the product code. A search of the Center for Veteran Enterprise Vendor Information Pages indicates there are no SDVOSB or VOSB vendors which are engaged in the manufacture of pharmaceuticals. A query at the SBA Dynamic Search portal returned 44 possible small business vendors. However, these vendors are not engaged in manufacture, but are distributors for large business wholesalers. Because the Government is not allowed to do business using Wholesale Trade or Retail Trade NAICS codes, searches must be conducted using the manufacture NAICS code of 325412 Pharmaceutical Preparation Manufacturing.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** N/A

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** N/A

11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** At this time, the physician has stated the above mentioned name brand drugs are the only brands that will meet the specific needs of the patients, however, we are still competing this amongst qualified vendors.

12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.


Tronny McCoggle
Inventory Manager
Dallas-CMOP

15 APRIL 2014
Date