

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, NCO4, VA Pittsburgh Healthcare System, 1010 Delafield Road, Pittsburgh , PA 15215. Purchase Request (2237# 646-14-2-066-0344)

2. **Nature and/or Description of the Action Being Processed:**
Only One Responsible Source (Sole Source) Award, to Qiagen, Inc., 27220 Turnberry Lane, Suite 200, Valencia, CA 913355. This is for the award of a new Firm Fixed Price Contract.

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

The VA Pittsburgh Healthcare System (VA), University Drive Facility, requires a one-time Preventative Maintenance Service to be performed on their existing Qiagen PyroMark equipment (ID#351129).

Estimated Contract Price \$3,720.

4. Statutory Authority Permitting Other than Full and Open Competition: 41 USC §253(c)(1), as implemented by FAR 6.302-1.

- (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- () (2) Unusual and Compelling Urgency per FAR 6.302-2;
- () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- () (4) International Agreement per FAR 6.302-4
- () (5) Authorized or Required by Statute FAR 6.302-5;
- () (6) National Security per FAR 6.302-6;
- () (7) Public Interest per FAR 6.302-7;

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

The VA Pittsburgh Healthcare System (VA) has to have Qiagen, Inc. perform this one-time Preventative Maintenance Service for the following reasons:

Qiagen personnel are trained to a highly skilled professional level on Qiagen instrumentation hardware and software as outlined by Qiagen, and provide the Sole Source for Qiagen Instrumentation Service.

Qiagen Field Service is the only organization certified by QIAGEN to Repair, Calibrate, Upgrade, Maintain and Move QIAGEN instrumentation.

QIAGEN Field Service is the only organization certified by QIAGEN to perform Installation Qualification/Operation Qualification (IQ/OQ) on any QIAGEN instrumentation.

QIAGEN Field Service Engineers, Application Scientists and Qiagen trained representatives, are the only individuals certified by QIAGEN to perform Validation Support services on any QIAGEN instrumentation. Attempts to perform any Repairs, Calibration, Preventive Maintenances or Moves by organizations or individuals, other than QIAGEN Field Service or those directed by QIAGEN Field Service, immediately and irrevocably void any QIAGEN Warranties or QIAGEN Support Agreements.

QIAGEN manufactures, calibrates, certifies and stocks all parts necessary for the repair, calibration, and maintenance of Qiagen Instruments. The proprietary parts and as such are not available from any other source or vendor.

(See attached Sole Source document that was provided by Qiagen, Inc., under P02 of the Procurement Action Briefcase of the eCMS Contract File).

Accordingly, Qiagen, Inc. is the only firm capable of providing the supplies and services described in Section 3 above, without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements.

Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: N/A. Sole Source. However, a notice of this proposed action to use Other than Full and Open Competition procedures (Notice of Intent to Sole Source Synopsis), along with this Other than Full and Open Competition Justification Memorandum, will be posted to Fedbizopps for five days, before award is made to Qiagen, Inc., to allow interested parties an opportunity to provide their capabilities for this requirement.

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

The price of \$3,720 quoted by Qiagen, Inc., is deemed fair and reasonable, since it is less than the price quoted by a different vendor, for a similar Preventative Maintenance Service that was conducted on 3/21/2014, on a similar machine. (See copy of Quote under S23 of the Solicitation Action Briefcase, in the eCMS Contract File).

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

The required services are deemed to be commercial items, since Qiagen, Inc. provides these services to the general public and for purposes other than governmental purposes. Since the primary purpose of this acquisition is to upgrade the existing Qiagen, Inc. equipment, it has been determined to be a Service contract.

Queries were done by conducting a Google Search and GSA Advantage Search, using the words "Qiagen PyroMark Preventative Maintenance", and no results were found. (See copies of these query screens under P02 of the Procurement Action Briefcase of the eCMS Contract File).

Qiagen has provide confirmation they do not have a FSS contract. (See email from Qiagen, Inc., dated 2/17/2014, under P02 of the Procurement Action Briefcase of the eCMS Contract File)

Sole Source Support Information was obtained from Qiagen, Inc. confirming they are the Sole Provider of the required Preventative Maintenance and parts. (See Qiagen, Inc. Sole Source support document, that was obtained on 2/17/2014, under P02 of the Procurement Action Briefcase of the eCMS Contract File).

The NAICS Code and Small Business Size Standard for this Procurement is 811219 (Size Standard \$19 Million). An email statement was obtained from Qiagen, Inc., confirming they earn more than \$19 Million in Gross Annual Revenue, thus categorizing them as a Large Business. (See email from Qiagen under P02 of the Procurement Action Briefcase, in the eCMS Contract File.)

8. Any Other Facts Supporting the Use of Other than Full and Open Competition:

None. The COR contacted Life Technologies and Beckman Coulter, to see if either could perform the needed Preventative Maintenance on the Qiagen, Inc. PyroMark equipment, and they both declined. (See email from Life Technologies under P02 of the Procurement Action Briefcase, of the eCMS Contract File)

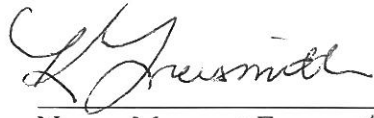
9. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

None.

10. 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:

None.

- 11. 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.



Name: ~~Margaret Evans~~ KRISTINA FREISMUTH Date
Title: Biomedical Engineer
Facility: University Drive

4/28/14

12. Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

ronald.mazzei
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Digitally signed by
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Name: Ronald Mazzei
Title: Contract Specialist
Facility: HJ Heinz Facility

Date

- b. **Deputy Director for Contracting, NC04 (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.

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Name: Herbert Byrns
Deputy Director for Contracting,
NC04

Date