

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, NCO 12, Great Lakes Acquisition Center, 115 South 84<sup>th</sup> Street, Milwaukee, WI 53214.
2. **Nature and/or Description of the Action Being Processed:** Justification and approval for other than full and open competition for the procurement of a service plan which includes technical support, preventative maintenance, and repair services for the Becton Dickinson and Company Bactec MGIT 960 Mycobacterial Detection System located at the Clement J. Zablocki VA Medical Center in Milwaukee, WI. This new contract action will be awarded on a firm-fixed price basis and includes a 12 month base period with four 12 month option periods.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** VISN 12 Pathology & Laboratory Medicine Service has a requirement for preventative maintenance and repair services for the Bactec MGIT 960 located at the Clement J. Zablocki VA Medical Center. This equipment was acquired in FY 2012 for a cost of \$46,000.00 and included a two-year service plan. This service plan expires in July 2014.

Total estimated price for the base year and four option years is \$25,750.00

The estimated period of performance is July 31, 2014 through July 30, 2015 for the base period with four consecutive 12 month option periods which provides service to the equipment during the life of the contract.

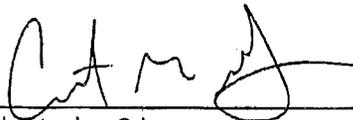
4. **Statutory Authority Permitting Other than Full and Open Competition:**
  - ( X ) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
  - ( ) (2) Unusual and Compelling Urgency per FAR 6.302-2;
  - ( ) (3) Industrial Mobilization, Engineering, 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):** Veterans Integrated Service Network (VISN) 12 has one Bactec MGIT 12 located at the Clement J. Zablocki VA Medical Center which services all seven medical centers and their respective outpatient clinics located throughout

Illinois, Wisconsin, and Michigan. The Bactec MGIT 960 performs microbiological testing to include a menu that specifically includes the performance of automated mycobacterial culture testing. This testing is used in the diagnosis, monitoring, and treatment of both mycobacterium tuberculosis and non-tuberculosis mycobacterial infections. Testing results are also used to determine potential patient isolation requirements and are used for public health monitoring. The required service plan will mitigate the downtime of this critical laboratory equipment.

The Bactec MGIT 960 comprises of the following operating/functional domains: 1) maintenance of appropriate environmental conditions within each culture drawer to ensure organism growth, if present, 2) hardware mechanics for the processing, incubating, and storage of patient cultures, 3) a complex fluorescence photodetection system with continuous 24/7 monitoring functionality, and 4) software operating system(s) for operations and data management. The Bactec 960 is technically complex and the manufacturer; Becton Dickinson and Company does not endorse third parties for the maintenance of this equipment. Becton Dickinson and Company is the sole source for factory-trained, certified service personnel for this equipment.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Becton Dickinson and Company has provided a letter stating they are the only source certified to provide the required preventative maintenance and repair services. A notice of intent to sole source was posted to FBO giving interested vendors an opportunity to respond to this requirement; no other vendors have been identified as a result of this notice.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Previous procurement history has shown that the required preventative maintenance and repair services were procured from Becton Dickinson and Company by VISN 23 in FY 2012 for a total of \$21,256.25. Becton Dickinson and Company has provided confirmation that its quoted pricing is its current standard commercial pricing.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Through market research, it has been concluded that the requested preventative maintenance and repair services are available from only one source, Becton Dickinson and Company. Searches of FSS online catalogs, VetBiz.gov, and SBA vendor databases yielded no responsible sources for the required services. Additionally, a letter was provided by Becton Dickinson and Company stating they are the only source for the requested series. A notice of intent to sole source was issued to FBO providing interested parties an opportunity to respond and no responses were received.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None.
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:** There is only one source for the required preventative maintenance and repair services. In the future, respective service requirements will be included at the time equipment is being procured.

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.



Christopher Gries  
Microbiology Supervisor  
Clement J. Zablocki VA Medical Center

05/27/2014

Date

13. **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.

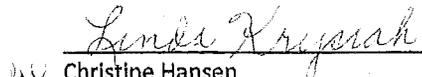


Chad Turner  
Contracting Officer  
Network Contracting Office 12  
Great Lakes Acquisition Center

5/27/14

Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.

pc 

Christine Hansen  
Director of Contracting  
Network Contracting Office 12  
Great Lakes Acquisition Center

5-29-14

Date