

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 11, *506 ANN ARBOR* Medical Center, 506-14-3-021-2168
2. **Nature and/or Description of the Action Being Processed:** *1 BOTTLE IMBRUVICA (IBRUTINIB) 140MG CAPSULES, Pharmacyclics, Inc., 995 E. Arques Ave., Sunnyvale, CA 94085.*
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** *1 BOTTLE IMBRUVICA (IBRUTINIB) 140MG CAPSULES, Total: \$8,143.14. Delivery Date: June 27, 2014.*
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):** *DIRECT PURCHASE AGREEMENT BETWEEN VA AND PHARMACYCLICS TO SELL SAID PRODUCT AT FEDERAL PRICE CEILING PRICES UNTIL SUCH TIME AS THE PRODUCT IS ADDED TO FSS SCHEDULES BY THE NAC.*
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** *ONLY DIRECT ORDERS PLACED WITH PHARMACYCLICS 3PL, RxCROSSROADS WILL BE BILLED AT THE FEDERAL CEILING PRICE. MCKESSON PLASMA AND BIOLOGICS CANNOT SELL IMBRUVICA AT THE FEDERAL CEILING PRICE AND FACILITIES WILL INCUR A SUBSTANTIALLY HIGHER COST IF ORDERED FROM MCKESSON.*

- 7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** *DIRECT PURCHASE AGREEMENT AT FCP PRICES. THE PRICES ARE DEEMED TO BE FAIR AND REASONABLE AS THEY ARE THE SAME PRICE PAID ON LAST PO 506-A40231. \$8,143.14.*
- 8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** *IMBRUVICA IS ONLY PURCHASABLE THROUGH PHARMACYCLICS AT THE FEDERAL CEILING PRICE.*
- 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**
WILL BE PURCHASED VIA PRIME VENDOR PROGRAM ONCE PRODUCT IS ADDED TO FSS SCHEDULES

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.

(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)



Name: CHRISTOPHER SPENCER
 Title: PROCUREMENT TECHNICIAN
 Facility: 506 VAMC ANN ARBOR

 Date: 6/23/14

13. **Approvals in accordance with FAR 6.304** *This part if filled out by Contracting Staff as part of the Justification*

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

 Name
 Title
 Network 11 Contracting Office

 Date

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

Name
Director of Contracting/Supervisory Contract Specialist (as appropriate)
Network 11 Contracting Office

Date

- c. **SAO(If over \$650K)**: I certify the justification meets requirements for other than full and open competition.

Ricky L. Lemmon
SAO Director
Central Region

Date

- d. **VHA HCA Review and Approval**: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$12.5 million) or approve (\$650K to \$12.5 million) for other than full and open competition.

NORBERT S. DOYLE
Chief of Procurement and Logistics Officer
VHA, Head of Contracting Activity (HCA)

Date

- e. **VA Deputy Senior Procurement Executive Approval (over \$12.5 million but not exceeding \$50 million)**: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

C. FORD HEARD
Deputy Senior Procurement Executive (DSPE)
Assistant Secretary for Acquisition and Logistics
Department of Veterans Affairs

Date

- f. **VHA Senior Procurement Executive Approval (over \$50 million)**: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

JAN R. FRYE
Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs

Date