

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  
5049 South 13<sup>th</sup> Street  
Leavenworth, KS 66048  
The purchase request number is 761-14-3-015-0268.  
Items are to be delivered to the Chelmsford, MA CMOP.

2) **Nature and/or Description of the Action Being Processed:** The Chelmsford, MA CMOP 10 Industrial Avenue, Chelmsford, MA; 01824-3610 Consolidated Mail Outpatient Pharmacy is requesting approval to purchase BRAND NAME specific NDC drug item. This is a new procurement and will be a firm fixed price contract.

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

- ONE TOUCH ULTRA(GLUCOSE) Test Strip 100ct- Retail or Mail order pack only  
Description of request: 600 boxes of ONE TOUCH ULTRA Test Strips  
NSN (National Stock Number): 6530-01-451-8068 (NO SUBSTITUTES)  
Quantity: 600 boxes (100 ct. each box)  
Manufacturer: LIFESCAN
- **Note: Mail order boxes are a different type of packaging, and the required test strips are the very same as in the retail box.**

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; (c) *Application for brand name description:* Brand name description application applies. The ONE TOUCH ULTRA (GLUCOSE) Test Strips that are being requested for this procurement are BRAND Specific and can only be used with the ONE TOUCH ULTRA glucose meter. There are various different types of glucose meters that are manufactured in the market place. Each glucose meter has its own supplies that are made specifically for its glucose meter and do not have the capability to interface with other glucose meters.

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 the physicians may prescribe brand name medical supplies, since in the physician's clinical judgment the brand name supply will provide a better therapeutic outcome for the patients. The VA physicians have specifically writing for the brand name medical supply, ONE TOUCH ULTRA(Glucose) Test Strips, with the NSN: 6530-01-451-8068 that has been manufactured to work only with the patient's glucose tester "ONE TOUCH ULTRA" that is manufactured by LIFESCAN.  
ONE TOUCH ULTRA is Brand Specific due to the Glucose Meters that the patients already use to test their Blood sugars. These testers do not have the capability to use other test strips, other than what is prescribed. The required medical supply has been prescribed for the patients by VA

physicians, and has been written as “Brand Name or NSN Specific” ONE TOUCH ULTRA (GLUCOSE) Test Strips with the NSN: 6530-01-451-8068.

The CMOP pharmacy employees do not have the training and or the authority to countermand the physician’s order when written “Brand Name or NSN Specific” products, since this is the same as “Dispense as Written” on physicians prescriptions. No NSN# 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.

These supplies are not interchangeable with other brands of glucose testers without causing harm to the patient. The patient is not guaranteed to receive the correct glucose meter reading if using another brand. In this case, any substitution of the required medical supply (other than the supplies that are being requested) and could be life threatening for the patient. At this time, there are no other suitable substitutions available.

- 6) **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** While conducting market research for this request, I was able to find small businesses listed below that have the capability to complete this procurement request.

**1. MILLANN LLC - SDVOSB**  
5116 ROUNDTREE ST  
SHAWNEE, KS 66226-3877  
POCE Email: [millann@kc.surewest.net](mailto:millann@kc.surewest.net)  
PH: 913-378-7284

**2. 3T FEDERAL SOLUTIONS – (SDVOSB)**  
6013 TECHNI CENTER DRIVE, SUITE-B  
AUSTIN, TX. 78721  
PH: 888-738-6723  
POC Email: [sandeep.yadav@3tfederal.com](mailto:sandeep.yadav@3tfederal.com)

**3. UNITED DRUG SUPPLY INC. - (WOSB)**  
620 VALLEY FORGE RD., SUITE A  
HILLSBOROUGH, NC. 27278-8567  
POC email: [Samantha@uniteddrugsupply.com](mailto:Samantha@uniteddrugsupply.com)  
PH: 877-400-0214

**4. Advantage BioWorks Corp. - (SDVOSB)**  
1100 Wicomico Street - Suite 700  
Baltimore, Maryland. 21230  
POC Email: [jeremy.friedberg@lf-pc.com](mailto:jeremy.friedberg@lf-pc.com)  
Phone: (410) 581-7400

**5. AJWilliams Medical Corporation - (EDSDVOSB, HubZone, 8A)**  
1012 OAKLAWN AVENUE  
NORFOLK, Virginia. 23504 – 3606  
POC Email: [drlwilliams1@cox.net](mailto:drlwilliams1@cox.net)  
Phone: (757) 304-7059

However, these vendors are not engaged in the manufacturing of the required item, 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.

- 7) **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Chelmsford, MA 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:** On June 4, 2014 the 2237# 761-14-3-015-0268 was received for the procurement request for the ONE TOUCH ULTRA (GLUCOSE) Test Strips with the NSN: 6530-01-451-8068 (NO SUBSTATIONS) from the Chelmsford CMOP.

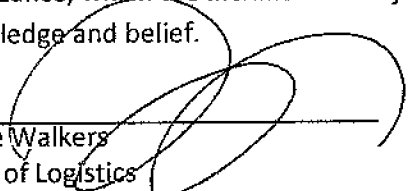
The first area of market research for the required item was conducted on the NAC under both, the Pharmaceutical and MED/SURG catalog for the required item. This search rendered no results for the required ONE TOUCH ULTRA (Brand Specific).

GSA Advantage and eLibrary searches were conducted for required item; there are no available contracts for the item requested.

The search of the Center for Veteran Enterprise Vendor Information Pages indicated that there are no SDVOSB or VOSB vendors which are engaged in the manufacture of the pharmaceutical requirement of the Test Strips.

A query at the SBA Dynamic Search portal rendered no results.


- 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, both the Physician and the Pharmacist has stated the required ONE TOUCH ULTRA (GLUCOSE) Test Strips with the NSN: 6530-01-451-8068 is the only brand that will meet the specific needs of the patients. However, we are still competing this among 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.

  
Diane Walkers  
Chief of Logistics  
Northeast CMOP

  
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.

  
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Donald J. Denno  
Contracting Officer  
Network Contracting Office 15

6/25/2014  
\_\_\_\_\_  
Date

- b) **NCM/PCM:** I certify the justification meets requirements for other than full and open competition.

  
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Christine L. Scena  
Director of Contracting,  
Network Contracting Office 15

6/26/2014  
\_\_\_\_\_  
Date

QA Review  
Lon Kopacz  
6/25/14