

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

**1. Contracting Activity:**

Veteran Health Administration (VHA)  
Service Area Office (SAO) - East  
323 North Shore Drive, Suite 500  
Pittsburgh, PA 15212

**Requiring Activity:**

Department of Veterans Affairs  
VA Western New York Healthcare System  
3495 Bailey Avenue  
Buffalo, NY 14215

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

2237 Number: 528-14-3-4001-0141

This is a request for Other Than Full and Open Competition for a Firm Fixed Price Contract for upgrade parts from Leica Microsystems Inc. for an existing Leica Microscope in accordance with FAR 6.302-1.

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

This request is for additional upgrade parts for the SPE-II Microscope from Leica Microsystems Inc. to conduct further advanced research. The following items will be purchased from Leica Microsystems for this request:

1. Item Number 156605101; Leica TCS SPE TLD Kit Inverse Transmission light detector kit
2. Item Number 155933451; Leica TCS SPE DMI Optical DIC CSQ Prism turret
3. Item Number 155934155; SMI Prism Set Basic V-VIS
4. Item Number 11555010; IC-Prism D for nosepiece disc
5. Item Number 156602222; TCS SPE 3D Package 64 bit System Software
6. Item Number 156022215; LAS AF 3 SPE 3D Visualization Basic
7. Item Number 156022216; LAS AF 3 SPE 3D Visualization Advanced
8. Item Number 156022217; LAS AF SPE 3D Analysis

- 9. Item Number 156022213; LAS AF 3 SPE Co-Localization
- 10. Item Number 156022218; LAS AF 3 SPE Dye Finder
- 11. Item Number 156022212; LAS AF 3 SPE Live Data Mode
- 12. Item Number 156022214; LAS AF 3 SPE Deconvolution

Total estimated dollar value: \$56,945.00

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):**

Leica Microsystems is the only source capable of providing the required upgrade parts for the existing Leica SPE-II Microscope on-site at the Buffalo research office. The upgrade parts must be fully compatible with the existing microscope. Although Leica has several authorized distributors for their products, these upgrade parts are not available from other vendors and can only be provided by Leica. A sources sought notice was posted to FBO on 07/29/14 and closed on 08/04/14. No responses were received, further confirming Leica is the only source capable of providing these parts.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

A Sources Sought notice was posted to FBO on 07/29/14 and closed on 08/04/14. No responses were received, further confirming Leica is the only source capable of providing the required upgrade parts for the Leica SPE-II Microscope.

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

The estimated price from the Independent Government Cost Estimate (IGCE) is \$56,945.00. This figure was calculated by the program office by reviewing GSA prices for two of the items that are on FSS schedule and reviewing an informal quote from Leica for the upgrade parts.

The proposed prices will be compared against the IGCE. A commercial price list and/or redacted quote to another party will be requested from Leica to determine price as fair and reasonable.

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

Please see number 6 above. A sources sought notice was posted to FBO on 07/29/14 and closed on 08/04/14. No responses were received, further confirming Leica is the only source capable of providing the required upgrade parts for the Leica SPE-II Microscope.

**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:**

The VA Western New York Healthcare System Research Office is aware that there are several vendors capable of providing Leica products. However, this requirement must be awarded as a sole source contract to Leica Microsystems, as they are the sole provider of their replacement/upgrade parts for the existing microscope on-site at the Buffalo Research Department. The sources sought notice informed the authorized distributors of our requirement, which gives them the opportunity to possibly add these items to their authorized distribution lists for future upgrades.

## 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.

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