

**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:**

Ralph H. Johnson VA Medical Center (RHJVAMC)  
Research Service (151)  
19 Bee Street  
Charleston, SC 29403

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

2237 Number: 534-14-4-131-0816

This is a request for Other Than Full and Open Competition for a Firm Fixed Price Contract for the purchase of a specialized microscope with specific compatibility from Leica Microsystems Inc. in accordance with FAR 6.302-1.

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

The purpose of these instruments is to facilitate and enhance the clinical and VA-funded research studies at the RHJVAMC. These activities are multidisciplinary and focus on gaining a better understanding of both normal physiology as well as pathology of disease in a variety of biological systems. One of the greatest challenges is the requirement to analyze biological specimens in a way that helps to understand the normal and pathological functioning of the brain. Given this, the RHJVAMC has a significant need for specialized multiphoton microscopy capabilities that permit the analysis of tissues in a specific way to allow for identification of proteins, subcellular organelles, DNA and RNA, and other biomolecules as well as analysis of neuronal projections in normal and diseased states. Thus, the overall goal of this request is to expand our existing VA-supported microscopy facility to support the growing needs of the RHJVAMC, and to facilitate the highest level of ongoing and future analyses.

The requested system was built for the specific needs of the RHJVAMC, and includes a Leica TCS SP8 MP multiphoton microscope from Leica Microsystems. This microscope system is be used with the CLARITY protocol which is already in use at the facility. This multiphoton microscope model is designed for the CLARITY protocol technique for the analysis of not only brain tissue, but other tissues as well to better understand the functioning of the organs in normal and diseased states. This item is not replacing an instrument, but will be an addition to the existing core equipment. This system will allow the VA to have the state of the art technology to help in the treatment of Veterans and to better understand disease development and progression.

**Total estimated dollar value:       \$351,783.34**

**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):**

This is a multiphoton microscope system which has been specifically designed to meet the clinical and research needs of our VAMC, which is based on the CLARITY technology protocol, and which is only available from a single vendor (Leica Microsystems). The CLARITY protocol is already in use within the facility and this equipment is an integrated upgrade to the current system.

Leica Microsystems is the only source capable of providing the required TCS SP8 MP multiphoton microscope compatible with the CLARITY protocol. 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. An intent to sole source notice was posted to FBO on 08/28/14 and closed on 09/03/14. No responses were received, further confirming that Leica Microsystems is the only source capable of providing these parts.

The requirements for the multiphoton microscope model and accompanying laser are unique and specific and can only be met by Leica Microsystems.

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

An intent to sole source notice was posted to FBO on 08/28/14 and closed on 09/03/14. No responses were received, further confirming that Leica Microsystems is the only source capable of providing the required TCS SP8 MP Multiphoton 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 \$351,783.34. This figure was calculated by the program office by

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. An intent to sole source notice was posted to FBO on 08/28/14 and closed on 09/03/14. No responses were received, further confirming that Leica Microsystems is the only source capable of providing the required TCS SP8 MP Multiphoton 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 Researchers at RHJVAMC will continue to conduct market research, including interacting with vendors at professional conferences, exhibitions, and trade shows, to identify alternative sources that could be considered for future acquisitions.

**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.

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

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