

Attachment 2: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. Contracting Activity:

Department of Veterans Affairs
SAO Central, NCO 15
3450 S 4th Street Trafficway
Leavenworth, KS 66048

Justification for Other than Full and Open Competition.
The purchase request number is **766-15-1-400-0001**.
Items are to be delivered to the Charleston CMOP.

- 2. Nature and/or Description of the Action Being Processed:** The Charleston-CMOP, 3725 Rivers Ave, Suite 2, North Charleston, SC 29405 Consolidated Mail Outpatient Pharmacy is requesting approval to purchase BRAND NAME specific NDC drug items. 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:

ALENDRONATE 40MG TAB A0609

- NDC-00093-5142-56
- Quantity and Description of request: ALENDRONATE 40MG TAB, 30 Count
- Supplier: TEVA-PHARMA

AMIODARONE 200MG TAB A1246

- NDC-00185-0144-05
- Quantity and Description of request: AMIODARONE 200MG TAB, 500 Count
- Supplier: SANDOZ

DAPSONE 100MG TAB D0010

- NDC-49938-0101-30
- Quantity and Description of request: DAPSONE 100MG TAB, 30 Count
- Supplier: JACOBUS PHARMACEUTICAL

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DAPSONE 25MG TAB D0011

- NDC-49938-0102-30
- Quantity and Description of request: DAPSONE 25MG TAB, 30 Count
- Supplier: JACOBUS PHARMACEUTICAL

DEXTRAN 70/HYPROMELLOSE 0.3% PRESERVATIVE-FREE UNIT DOSE D0649

- NDC-00065-0416-25
- Quantity and Description of request: TEARS NATURALE FREE PRESERVATIVE FREE, 36 SINGLE-USE VIALS
- Supplier: ALCON LABS

EFLORNITHINE HCL 13.9% CREAM E0307

- NDC-00023-4857-45
- Quantity and Description of request: VANIQA CREAM 13.9%, 45GM
- Supplier: ALLERGAN PHARMACEUTICAL

GENTIAN VIOLET 1% TOPICAL SOLUTION G0011

- NDC-00395-1003-92
- Quantity and Description of request: GENTIAN VIOLET 1% SOLUTION, 1OZ
- Supplier: HUMCO HOLDING GROUP

HYPROMELLOSE 0.5% OPHTHALMIC SOLUTION H0433

- NDC-00998-0408-15
- Quantity and Description of request: ISOPTO TEARS 0.5% EYE DROPS, 15ML
- Supplier: ALCON LABS

HYPROMELLOSE 0.3% OPHTHALMIC GEL H0442

- NDC-00078-0429-47
- Quantity and Description of request: GENTEAL EYE GEL, 10ML
- Supplier: ALCON LABS

LACTASE 250MG CAP L0302

- NDC-00091-3505-01
- Quantity and Description of request: LACTRASE 250MG CAPSULES, 100 Count
- Supplier: SCHWARTZ PHARMAC

NITROGLYCERIN 2% OINTMENT N0066

- NDC-00281-0326-60
- Quantity and Description of request: NITRO-BID 2% OINTMENT, 60MG
- Supplier: SANDOZ

NEFAZODONE 150MG TAB N0244

- NDC-00093-7113-06
- Quantity and Description of request: NEFAZODONE 150MG TABLETS, 60 Count
- Supplier: TEVA PHARMA

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NEFAZODONE 150MG TAB N0245

- NDC-00093-1025-06
- Quantity and Description of request: NEFAZODONE 200MG TABLETS, 60 Count
- Supplier: TEVA PHARMA

PROPYLENE GLYCOL 0.6% OPHTHALMIC SOLUTION P1000

- NDC-00065-1433-02
- Quantity and Description of request: SYSTANE BALANCE RESTORATIVE EYE DROPS, 10ML
- Supplier: ALCON LABS

ARTIFICIAL SALIVA S0002

- NDC-50930-0098-08
- Quantity and Description of request: MOUTHKOTE DRY MOUTH SPRAY, 8OZ
- Supplier: PARNELL PHARMACEUTICALS

SODIUM CHLORIDE 2% OPHTHALMIC SOLUTION S0167

- NDC-24208-0276-15
- Quantity and Description of request: MURO-128 2% EYE DROPS, 15ML
- Supplier: VALEANT PHARMACEUTICALS

SINUS RINSE NEILMED PACKET S0573

- NDC-00592-8002-00
- Quantity and Description of request: NEILMED SINUS RINSE PREMIXED PACKETS, 100 Count
- Supplier: NEILMED PRIDUCT

SINUS RINSE NEILMED REGULAR KIT S0574

- NDC-00592-8001-00
- Quantity and Description of request: NEILMED SINUS RINSE KIT WITH 50 PREMIXED PACKETS
- Supplier: NEILMED PRIDUCT

NEPHPLEX RX TAB N0449

- NDC-59528-0317-01
- Quantity and Description of request: NEPHPLEX RX TABLET, 100 Count
- Supplier: NEPHRO-TECH

GLYCOLIC ACID 12% LOTION G0233

- NDC-00259-6018-06
- Quantity and Description of request: AQUA GLYCOLIC HAND & BODY LOTION, 6OZ
- Supplier: MERZ PHARMACEUTICALS

HYDROCORTISONE 1/PRAMOX 1% TOP FOAM H0457

- NDC-00037-6824-10
- Quantity and Description of request: EPIFOAM 1/1% TOPICAL AEROSOL, 10GM CONISTER
- Supplier: MEDA PHARMACEUTICALS INC

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ERYTHROMYCIN 2% TOPICAL GEL E0041

- NDC-40076-0315-30
- Quantity and Description of request: ERYGEL 2% TOPICAL GEL, 30GM
- Supplier: PRESTIUM PHARMA

This is a one-time buy estimated at \$130,039.70 and expected to be delivered by 10/31/2014

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c)(1), as implemented by FAR 6.302-1.

(X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1 © Application for brand name description: Brand Name description application applies.

() (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):** Within the VHA, physicians may prescribe brand name drugs when in their clinical judgment the brand name drug will provide a better therapeutic outcome for patients. Brand name drugs are requested when there is a clinical requirement for the drug. In this case, the brand specific drug name is requested on the list above.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The requesting pharmacy indicated this medication could be obtained from these small businesses:

DMS PHARMACEUTICAL GROUP INC-SWOB
810 BUSSE HWY
PARK RIDGE, ILLINOIS 60068-2302
PH: 847-518-1100
DUNS: 883533879

CAPITAL WHOLESALE DRUG CO-SB
873 WILLIAMS AVENUE
COLUMBUS, OH 43212-3850
PH: 614-297-8225 EX 2128
DUNS: 017881475

3VETS INC-SDVOSB
1907 E HILLSBOROUGH AVE
TAMPA, FL 33610
PH: 813-837-8387
DUNS: 074208930

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MILLANN LLC-SDVOSB
5116 ROUNDTREE ST
SHAWNEE, KS 66226-3877
PH: 913-378-7284

EMED MEDICAL COMPANY-SB
12163 BRIDGETON SQUARE DRIVE
BRIDGETON, MO 63044
PH: 314-291-3633

UNITED DRUG SUPPLY INC
620 VALLEY FORGE RD
HILLSBOUGH, NC 27278
PH: 877-400-0214 EX 301

QUANTUM PHARM RX
745 ATLANTA HWY STE
CUMMING, GEORGIA 30040
PH: 678-648-1369

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Charleston-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:** After a search of the NAC and GSA websites, there are no available contracts for any of the items requested. Products to be acquired have been prescribed for patients by VA physicians. Pharmacy employees do not have the training and/or authority to countermand physician orders. "Brand Specific" products are the same thing as "dispense as written" on a physician prescription. No NDC 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. This is not always inclusive where a particular NDC has been determined to be "formulation specific" by clinical evaluation performed by the PBM or in the case where only one product code. A search of the Center for Veteran Enterprise Vendor Information Pages indicates there are no SDVOSB or VOSB vendors, which are engaged in the manufacture of pharmaceuticals. A query at the SBA Dynamic Search portal returned 71 possible small business vendors, however, these vendors are not engaged in manufacture, 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.
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, the physician has stated the above mentioned name brand drugs are the only brands that will meet the specific needs of the patients: however, we are still competing this amongst distributors.

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.

Rachel MacCumbee
541722

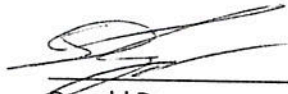
Rachel MacCumbee
Inventory Manager
Charleston-CMOP

Digitally signed by Rachel MacCumbee 541722
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=rachel.maccumbee@va.gov,
cn=Rachel MacCumbee 541722
Date: 2014.09.23 06:52:50 -04'00'

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.


Donald Denno
Supervisor Contracting Officer
Network Contracting Office 15

9/23/2014
Date

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


Christine L Scena
Director of Contracting
Network Contracting Office 15

9/23/2014
Date

QA Review
9/23/14
Lori Kepacz