

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)

1. **Contracting Activity:** Department of Veterans Affairs, VISN 15, Charleston, SC CMOP; 3725 Rivers Ave, Suite 2 North Charleston, SC 29405-7038. This request is a Justification for Other Than Full and Open Competition for the purchase order# 766-15-1-400-0137.

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

The Charleston-CMOP, 3725 Rivers Avenue, Suite 2, Charleston, NC 29405, Consolidated Mail Outpatient Pharmacy is requesting approval to purchase the Brand name only per Physicians determination of need for the Medtronic Minimed products. This is a new procurement and will be a firm fixed price contract. The total estimated value for this request is [REDACTED]. The list below does include all drug items included in this request.

FAR13.5 Test Program: This procurement is for the purchase of the medical device used for the continuous Blood Sugar (Glucose) monitoring and delivery of insulin need. The procurement will be utilized in accordance with FAR 13.5 Test Program for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2. The authority for applying the Commercial Test Program of FAR 13.5 is (Section 4202 of the Clinger-Cohen Act of 1996) and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

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

RESERVOIR, MINIMED #MMT-332A XZ835

- NDC -76300033210 (NO SUBSTITUTES)
- Quantity and Description of request: 10 per box RESERVOIR, MINIMED #MMT-332A
- Supplier: Medtronic
- The estimated Purchase Order value is for this request for this item is [REDACTED]

RESERVOIR, MINIMED #MMT-396 XZ671

- NDC -76300039610 (NO SUBSTITUTES)
- Quantity and Description of request: 10 per box RESERVOIR, MINIMED #MMT-396
- Supplier: Medtronic
- The estimated Purchase Order value is for this request for this item is [REDACTED]

RESERVOIR, MINIMED #MMT-397 XZ672

- NDC -76300039710 (NO SUBSTITUTES)
- Quantity and Description of request: 10 per box RESERVOIR, MINIMED #MMT-397
- Supplier: Medtronic
- The estimated Purchase Order value is for this request for this item is [REDACTED]

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Attachment 3: Request for Sole Source Justification Format >\$150K

RESERVOIR, MINIMED #MMT-398 XZ670

- NDC -76300039810 (NO SUBSTITUTES)
- Quantity and Description of request: 10 per box RESERVOIR, MINIMED #MMT-398
- Supplier: Medtronix
- The estimated Purchase Order value is for this request for this item is [REDACTED]

RESERVOIR, MINIMED #MMT-399 XZ673

- NDC -76300039910 (NO SUBSTITUTES)
- Quantity and Description of request: 10 per box RESERVOIR, MINIMED #MMT-399
- Supplier: Medtronix
- The estimated Purchase Order value is for this request for this item is [REDACTED]

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)

Within the VHA brand name drugs may be prescribed by physicians 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 three small businesses:

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

3T FEDERAL SUPPLY
6013 TECHN CENTER DRIVE, SUITE-B,
AUSTIN, TX 78721
PH: 888- 738-6723

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INDEPENDENCE MEDICAL
1810 SUMMIT COMMERECE PARK
TWINSBURG, OH 44087
PH: 800-860-8027

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 searching NAC & GSA, there are no available contracts for any of the items requested. A search of the Center for Veteran Enterprise Vendor Information Pages indicates there are 80 SDVOSB or VOSB vendors which are engaged in the manufacture of med/surg items. A query at the SBA Dynamic Search portal returned 945 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 339112 Surgical and Medical Instrument 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 medical/surgical items 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.



Glenda F. Dame
Inventory management Specialist Procurement
Charleston CMOP 766

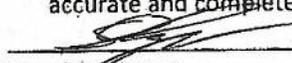
11/18/2014

Date

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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.

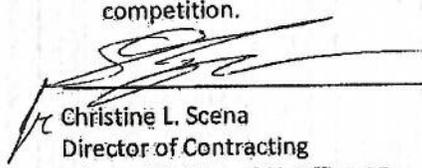


Donald J. Denno
Contracting Officer
NCO 15

11/18/2014

Date

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



Christine L. Scena
Director of Contracting
Network Contracting Office 15

11/18/2014

Date