

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

Other Than Full and Open Competition (>\$150K)

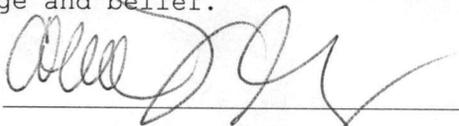
1. **Contracting Activity:** Department of Veterans Affairs, VISN 01, VACT Medical Center, purchase request number 689-15-7068-0470
2. **Nature and/or Description of the Action Being Processed:** New purchase order for 10 vials of the liquid chemo therapy drug known as Trenda Liq 180 MG 2 ML (NDC 6345903962). This drug replaces the powder version now discontinued. The powder version was until recently a National Acquisition Center (NAC) schedule item. This item, the liquid replacement, is being sought after for the NAC schedule however at time of request, terms are still being negotiated.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** 10 vials Trendera Liq 180 MG 2 ML (NDC 6345903962), priced \$4,024.80 per vial (total \$40,248.00) for one treatment of one patient. That patient requires treatment immediately. The vendor must be able to process and ship overnight.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c)(1), as implemented by FAR 6.302-2.  
 (2) Unusual and Compelling Urgency per FAR 6.302-2
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** McKesson Corporation is requested by the clinician and Pharmacy Department to be the source for this product based on their ability to process and ship the order immediately.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Time is of the essence. It has been described in so many words that if the patient does not receive their chemo therapy treatment as ordered by Oncologist then they risk succumbing to their illness. The Contract Officer is aware and on notice, from discussions with NAC Pharmacists, that this particular drug from the recommended source (McKesson) is under negotiations to be put on schedule. When that takes place this shall be a mandatory source and there will be no requirement under FAR 6 to limit open market competition.
7. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Only very limited market research was conducted due to the urgency of this requirement. The pharmacy department for VA CT was surveyed as well as the pharmacy department for the National Acquisition Center in order to determine if this product was available on schedule. It was concluded that it was not, however this product is intended to replace a NAC schedule product that was recently discontinued. It was also discovered that McKesson was the only source whom could provide the product within the time frame required. The alternative would be to contract directly with the manufacturer whom it was noticed is not set up to engage in shipping to the VA. The time and effort required to explore those alternatives would prejudice the patient with the immediate need to treat his or her cancer, putting their life at risk.

8. Any Other Facts Supporting the Use of Other than Full and Open Competition: N/A

9. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: N/A

10. 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 Contract Officer takes notice that the VA is pursuing this item on its NAC schedule.

11. 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.

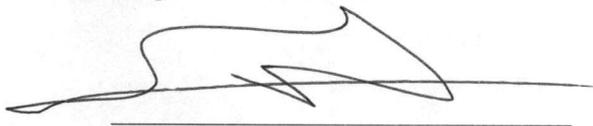


Name: Colleen Flynn, R.Ph.  
Title: Associate Service Chief, Pharmacy Service  
Facility: VA Connecticut

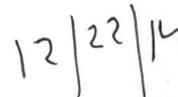


Date

12. Contracting Officer's Certification (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Name: Jason Fragoso  
Title: Contract Officer  
Facility: VA NCO 1



Date