

DEPARTMENT OF VETERANS AFFAIRS

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

1. **Contracting Activity:** Department of Veterans Affairs, NCO 22, Veteran Affairs Greater Los Angeles Healthcare System (VAGLAHS). The purchase request number is 691-15-2-208-0033.
2. **Nature and/or Description of the Action Being Processed:** This Justification and Approval authorizes and approves the award of a sole source procurement for Preventive Maintenance Services for Life Technologies Genetic Analyzers in accordance with FAR Part 13.5 Test Programs 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. This is a new procurement and the contract contemplated will be a firm-fixed price base plus four (4) one year options contract with Life Technologies Corporation.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The total estimated value of this acquisition of a base plus four (4) one year options is \$1,000,000 with an estimated period of performance (POP) of 1/1/2015 – 12/31/2019.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 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).
 - (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):** The authority for applying the Commercial Test Program of FAR 13.5 may be used when acquisitions conducted under Simplified Acquisition Procedures (SAP) are exempt from the requirements in FAR 6. There is a reasonable basis to conclude that the VAGLAHS' minimum needs can only be satisfied by unique services available from only one source with unique capabilities. VAGLAHS has in their inventory one (1) Genetic Analyzer model 3130-16, one (1) Genetic Analyzer model 3500xL, and three (3) FAST Real Time PCR Systems. The inventory is manufactured by Life Technologies Corporation, a Thermo Fisher Scientific brand used in the analysis of human DNA or RNA for the detection of genetic changes that may lead to disease presence. It is an integrated genetic analysis system that includes patented technology, computerized machines, and consumables. Life Technologies Corporation uses only factory employed and trained technicians to perform the warranted service work on the

genetic analyzers and PCR systems. Based on the information contained in this paragraph, it is reasonable to conclude that the authority of FAR 13.501(a) Sole source will satisfy VAGLAHS' requirements are appropriate.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A "Notice of Intent" will be posted to the Federal Business Opportunities website (www.fbo.gov) to ensure that offers are solicited from as many potential sources as possible and to provide maximum practicable opportunities for small business participation. If another potential source emerges, the VA will consider and assess whether competition for future requirements is feasible.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated price for the base year of this service contract is \$_____ with an estimated total of \$_____ for the base and four (4) one-year option periods, in which the unit price remains the same price each year. The market price shall be deemed fair and reasonable based on comparative pricing of historical procurements paid for the same services and Life Technologies Corporation's published price list.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** In accordance with FAR 10.002, market research was conducted before pursuing justification and approval for use of other than full and open competition, to the extent practicable, reasonable effort to find adequate competition was sought by a review of www.gsa.gov, www.sam.gov, www.vetbiz.gov, www.fpds.gov, and www.fbo.gov, www.zefsci.com, and www.lifetechnologies.com. Market research has revealed that NCO 22 conducted a sole source procurement that resulted in awards 691-C80221, C990294, C00356, C10280, C20173, C30128, and C40175 for the same services for Veterans Affairs Los Angeles Healthcare System. Each mandated source was considered and reviewed in accordance to its priority of use; however, there are none capable of meeting the requirement. Market research has revealed that there is not a reasonable expectation of obtaining quotes from more than one small business responsible contractor. There is not a sufficient number of small businesses capable of providing the preventive maintenance services required by VAGLAHS. Life Technologies Corporation is the OEM and authorized provider of the required preventive and corrective services.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Life Technologies, OEM certifies that they are the only organization that provides services related for maintenance and repair of the 7500 fast PCR, 3130-16, and 3500xl genetic analyzers, in accordance with the OEM specifications.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** No sources expressed in writing an interest in this acquisition.
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 Department of Veterans Affairs (VA) has no plans at this time to compete future contracts for the types of services covered by this Justification and Approval. If another potential source emerges, the VA will consider and assess whether competition for future requirements is feasible.

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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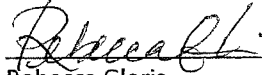
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Patricia Tang
Engineering

Date

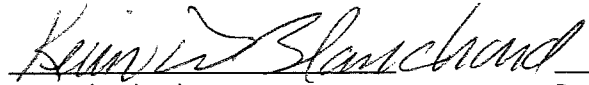
13. **Approvals in accordance with the**

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


Rebecca Gloria
Contracting Officer
NCO 22

12/29/14
Date

- b. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition.


Kevin Blanchard
Director of Contracting
NCO 22

12/29/14
Date