

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Limited Sources Justification Format >\$150K

LIMITED SOURCES JUSTIFICATION

~~ORDER - \$150,000~~
FAR PART 8.405-6

2237 Transaction # or Vista Equipment Transaction #: 636-15-2-025-0594 (INSERT)

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

Restricted to the following source: Provide original manufacturer's name for material or contractor's name for service. (If a sole source manufacturer distributes via dealers, ALSO provide dealer information.)

Manufacturer/Contractor: Baxter Healthcare Corporation

Manufacturer/Contractor POC & phone number: Michelle Dunn/224-948-4649

Mfrgr/Contractor Address: One Baxter Parkway/Deerfield/IL/60015

Dealer/Rep address/phone number: _____

☒ The requested material or service represents the minimum requirements of the Government.

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs

NCO-23

4801 Veterans Drive

St Cloud MN 56303-2099

VISN:

23

(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

Firm-Fixed Price Delivery Order off V797P-2140D for Gammagard Liquid 10% NDC# 00944270007 and NDC# 00944270006.

(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:

Purchase will be for 70 vials of Gammagard Liquid 10%, 30gm (NDC# 00944270007) and 30 vials of Gammagard Liquid 10%, 20gm (NDC# 00944270006).

(b) ESTIMATED DOLLAR VALUE: \$151,115.00

(c) REQUIRED DELIVERY DATE: 3/2/15

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(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE. (CHECK ALL THAT APPLY AND COMPLETE)

☒ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

Baxter Healthcare is the only source listed on the NAC Schedule 65 list for Gammagard using FSS Contract V797P-2140D. This drug is needed to treat patients scheduled in the Chemo Infusion Clinic. Patients use up to 90gm per treatment. The provider has prescribed this drug because in their clinical judgment this drug will provide a better therapeutic outcome for the chemo patients.

☐ A patent, copyright or proprietary data limits competition. The proprietary data is:
(If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

☐ These are "direct replacements" parts/components for existing equipment.

☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

☐ The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

☐ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

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Per FSS and NAC mandatory source lists, the price is determined to be fair and reasonable. GSA refers customers to the VA Pharmacy Benefits Management Website for pricing information.

(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

Searched GSA Schedules, Schedule 65 NAC Pharmaceutical Catalog, Pharmacy Benefits Management Special Handling Drugs catalog. Gammagard Liquid 10% vials are manufactured by Baxter Healthcare. Baxter Healthcare is the only source listed on the NAC Schedule 65 list for Gammagard. It is purchased via FSS Contract # V797P-2140D listed under Source 65 1B, Pharmaceuticals and Drugs, Category 42-2A Single Source Drug, Innovator Multiple Source Drug. Per the GSA, this SIN is not available through GSA Advantage so it cannot be posted to eBuy due to it being a single source.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

Customer will continue to search FSS and NAC for other mandatory sources that carry Gammagard 10% Liquid.

(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

Jaime Berens
Jaime Berens,
Pharmacy Technician, NWI-Omaha VA

2/26/15
DATE

(10) APPROVALS IN ACCORDANCE WITH THE VHAPM, Volume 6, Chapter VI: OFOC SOP: *This part if filled out by Contracting Staff as part of the Justification*

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a. **NCM/PCM/DESIGNEE:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief and I approve this limited sources justification.


ERIC ZINTEK _____ DATE 2/26/15
Contracting Officer, NCO 23, St Cloud

b. **NCM/PCM/DESIGNEE:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief and I approve this limited sources justification.


JERI A. JENKINS _____ DATE 26 FEB 15
Branch Chief, NCO 23, St Cloud