

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 #: 770-15-3-801-0135

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: AlphaPointe

Manufacturer/Contractor POC & phone number: Scott Spillman, 816-237-2017

Mfgr/Contractor Address: 7501 Prospect Ave., Kansas City, MO 64132

Dealer/Rep address/phone number: Scott Spillman, cell. 913-909-4560

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

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs

NCO 15 CMOP CONTRACTING

VISN:

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

Sole Source contract to AlphaPointe against their FSS contract V797P-4866A to procure bottle safety caps that meet the 16 CFR 1700.20 standard when applied.

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

A Certified Testing Firm, Great Lakes Marketing Research has concluded that the Tri-State bottle cap FAILED Child Resistant (CRC) testing using 16 CFR 1700.20 Standards when applied to AlphaPointe bottles. To reduce the possibility of harm to children, we must replace Tri-State caps with AlphaPointe caps for use on AlphaPointe 120cc and 250cc prescription bottles until further package testing can be performed.

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(b) ESTIMATED DOLLAR VALUE: \$264,039.75

(c) REQUIRED DELIVERY DATE: 5-26-2015

(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.

☐ 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.

☐ 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

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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.

The Consolidated Mail Outpatient Pharmacy (CMOP) is a state of the art automated pharmacy with an output of approximately 350,000 prescription orders daily. The CMOP strives to deliver the highest quality product to the Veteran by developing methods to improve processes and Standard Operating Procedures (SOP's). To ensure that CMOP was delivering a high quality product that conformed to the Poison Protection Packaging Act, random packages that consisted of Tri State bottle caps bottles 120cc and 250cc were sent to a Package Testing Firm. Both the 120cc and 250cc caps failed testing using Title 16 CFR 1700.20 Standards because children were able to successfully remove Child Resistant Caps (CRC). Due to the possibility of Veteran children being harmed, it is urgent that all CMOP's switch to another cap until further testing can be done. For this purpose, National CMOP is requesting a Limited Source Justification to purchase bottle caps from AlphaPointe. A Certified Testing Firm, Great Lakes Marketing Research has concluded that the Tri-State bottle cap failed Child Resistant (CRC) testing using 16 CFR 1700.20 Standards when applied to AlphaPointe bottles. To reduce the possibility of harm to children, we must replace Tri-State caps with AlphaPointe caps for use on AlphaPointe 120cc and 250cc prescription bottles until further package testing can be performed. Alpha Pointe bottles and caps will be used in tandem eliminating the possibility of manufacturer incapability when bottles and caps from differing sources are used however untested. AlphaPointe packages have passed 16 CFR 1700.20 testing.

(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:

Market Research was conducted using the history of prior purchases, FSS pricing, and pricing from similar types of caps. Pricing has been determined to be fair and reasonable.

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

Market Research was conducted using the history of prior purchases, GSA website, and other internet sites.

(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:

(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.)*

Pete Barrett

Digitally signed by Pete Barrett
DN: c=US, cn=Pete Barrett, ou=Supply
Reason: I am the author of this document
Date: 2015.05.20 10:46:54 -05'00'

SIGNATURE

DATE

NAME

TITLE


SERVICE LINE/SECTION

FACILITY

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(10) APPROVALS IN ACCORDANCE WITH THE [VHAPM, Volume 6, Chapter VI: OFOC SOP](#):

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


Digitally signed by
HECTOR M LOPEZ 233745
Date: 2015.05.20 11:49:39
04'00"

CONTRACTING OFFICER'S SIGNATURE

DATE

Hector M. Lopez, Contracting Officer
NAME AND TITLE

NCO 15
FACILITY

b. Director of Contracting/DESIGNEE: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Christine L SCENA 346512
Digitally signed by Christine L SCENA 346512
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=christine.scena@va.gov, cn=Christine L SCENA
346512
Date: 2015.05.20 11:48:11 -05'00'

20 May 2015

SIGNATURE

DATE

Christine L. Scena
NAME
NCO 15 CMOP Director