

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA263-16-AP-0583

1. **Contracting Activity:** Department of Veterans Affairs, VISN 23, NCO23 474th St. S. Suite 202, Fargo, ND 58103, Justification for other than full and open competition
2. **Nature and/or Description of the Action Being Processed:** A blanket purchase agreement will be awarded on a sole source basis for the procurement of radiology beads specified below.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** A controlled embolization system intended for the purpose of embolising the blood vessels of a variety of hypervascularised tumors and arteriovenous malformation. Manufacturer is Biocompatibles; Models are VE220GS (100-300) Microns yellow (Qty 125 includes options) and VE420GS (300-500) microns blue (Qty 125 includes options). The estimated value of the supplies including options is \$461,500.00 . The period of performance will be from date of award to 9/30/2020 if options on the BPA are exercised.
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; 41 U.S.C 3304(a)(1)
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 LC Beads are vital to the day to day operations in Interventional Radiology and are needed on hand at all times. Biocompatibles is the only vendor that makes the LC Beads. LC Beads are the only beads that can embolise the blood vessels of a variety of hypervascularised tumors and arteriovenous malformations. No other vendor is able to provide this required product. Biocompatibles Inc. is the only vendor with the capability of providing the unique products needed for direct patient care. Due to the specialized nature of the products it must be provided by a company with the ability to provide an exact match for what is being requested.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Biocompatibles, Inc. is the sole manufacturer and distributor of LC beads. An intent to sole source will be posted to FBO.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The contracting officer anticipates the cost to the Government will be fair and reasonable by reviewing the offeror's price with prices paid in the past.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted by the Radiology Supervisor, Joshua Gahn. Research was conducted via internet and within other interventional labs in the VA system nationally. This research concluded with Biocompatibles being the only vendor with this

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: Request for Sole Source Justification Format >\$150K

product available. In the past, previous procurements for the same item have also concluded that no other vendors could provide these specific beads for treatment. The Contracting Officer also searched VA NAC (CCST) pharmaceutical catalogs, GSA Advantage, and FPDS for LC Beads. As described in Section 6 above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition, advising industry of the pending acquisition and soliciting inquiries from interested parties

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** At this time, these are the only LC beads that meet the requirement for patient care and treatment. No other LC beads in the market are capable of results like these offered by Biocompatibles. Inc.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Biocompatibles, Inc. 115 Hurly Road, Oxford, CT 06478-1046. 877-626-9989
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 Radiology Supervisor and IR team will continue to research the market place. If a product becomes available the requirement would be opened for competition.
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.

Name: Joshua J. Gahn
Title: Radiology Supervisor
Facility: NCO-23 Iowa City VAHCS

Date

13. **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.

Name: Lance Haman
Title: Contract Officer
Facility: Fargo VA

Date

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

Name: Christopher Volk
NCO23 Fargo Branch Chief
Facility: Fargo VA

1/19/2016

Date