

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

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

1. Contracting Activity: Department of Veterans Affairs, Network Contracting Office 15.

2. Nature and/or Description of the Action Being Processed:

This is new, firm fixed price contract for 90,109 fifty-count packets of Accu-Chek Aviva Plus (Glucose) test strips to replenish Leavenworth, Chelmsford, Tucson, Lancaster, and Hines CMOP inventories.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

The item requested is Accu-Chek Aviva Plus (Glucose) test strips , (XR273), and is the standard VA blood glucose test strip and fits a specific glucose meter (also a standardized VA product). The test strips are used by patients with diabetes in conjunction with other diabetic devices to control their blood sugar and keep their diabetes under control.

4. Statutory Authority Permitting Other than Full and Open Competition:

☒ (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency

Requirements per FAR 6.302-1;

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

These test strips fit the Roche blood glucose testing meters issued by the VA. The test strips are not interchangeable. Accordingly, Roche Accu-Chek Aviva Plus (Glucose) test strips are the only supplies capable of fulfilling the requirements described in Section 3 above without the Veteran's Health Administration experiencing unacceptable delays in fulfilling its needs.

Description of efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

While Roche is the manufacturer of Accu-Chek Aviva Plus (Glucose) test strips, it is not a sole source

of this product. The test strips are a commercial/retail item available through other suppliers. The solicitation for bids will be synopsisized as a Brand Name only on FedBidOpps to allow prospective vendors the opportunity for full and open competition. Roche has agreed to honor contract pricing while the details of the new contract are worked out.

6. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

The Contracting Officer will determine the anticipated cost to the Government shall be fair and reasonable based on comparison of proposed prices received in response to the solicitation reflecting current market value and historical data.

7. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

Market research was conducted using the history of prior purchases, the NAC pharmaceutical catalog, GSA website, and other internet sites.

Chapter VI: Other Than Full and Open Competition (OFOC) SOP

Attachment 3: Request for Sole Source Justification Format >\$150K

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Original Date: 03/22/11

Revision 04 Date: 10/01/2015

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

Due to the Non-Manufacturer Rule, as defined in FAR Part 19 and 13 CFR 121.406, a SB set aside of any kind is not feasible as there is no waiver of the Non-Manufacturer Rule from the SBA for NAICS code 325413. A request for an individual waiver will take about approximately 15-working days to process. CMOPs are required to fill a prescription within five days or the prescription must be returned to the Medical Center for filling. Due to this timeframe, the CMOP is not afforded the time for the process of requesting an individual waiver. Therefore, based on this research, it is

determined this requirement must be solicited as an Unrestricted Procurement. Small business wholesalers will be able to provide quotes for this solicitation.

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

Roche Diabetes Care, Inc.

The NAC contract between Roche and the Department of Veterans Affairs expired on 30 September, 2015. While the NAC and Roche work out the details of the new contract, Roche has offered to honor the contract pricing for the items that are no longer on contract. The item requested is Accu-Chek Aviva Plus (Glucose) test strips and is the standard VA blood glucose test strip.

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:

There are no actions the VA can take to increase competition, but a longer lead-time for fulfilling acquisitions would better enable the VA to request waivers for these types of procurements. This is, however, complicated at this time by the CMOP facilities' limited inventory storage capabilities, which necessitates frequent and urgent inventory restocking.

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.

PETER BARRETT

Supply System Analyst

Office of the National CMOP Logistics

12. 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.

JOHN FISHER

Contracting Officer

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