

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA241-15-AP-3416

1. **Contracting Activity:** Department of Veterans Affairs, VISN 1, VAMC New England Healthcare System, Network Consolidated Laboratory, Pathology & Laboratory Medicine Service, 113.

Transaction #: 523-16-3-2765-0021

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

The purpose of this procurement is to establish a firm fixed price IDIQ contract for a base plus 4 annual option years between Partners Healthcare System, Brigham & Women's Hospital and VISN1 VAMC New England Healthcare System, Network Consolidated Laboratory to obtain consultative services for VISN 1 Laboratories for selected cytopathology and surgical pathology cases and selected clinical laboratory tests. This would include associated services needed to complete the consultation. A variety of laboratory testing services is needed for the varied VISN1 medical centers. Specific lab services are applicable to specific medical centers. The STAT laboratory testing services are required primarily for VA Boston Medical Center which is in close geographic proximity to the provider.

The current contract for these services is with Partners Healthcare System (Brigham and Women's Hospital)/BWPO – DBA Dept of Pathology which expires 3/31/2016. Contract # VA241-P-2212.

Anticipated Base Period of Performance for the IDIQ contract: 4/1/2016 through 3/31/2017.

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

Obtain STAT specialized consultative services in cytopathology and surgical pathology as well as selected tests in clinical pathology as further described in the below chart.

Total estimated cost for base year:

Estimate for total cost of agreement (base plus 4 option years):

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Description/Part Number*	Estimated Quantity
Surgical and Cyto Pathology	
Surgical Path CPT 88305 - tech	36
Immunoflourescence CPT 88346 - tech	292
Immunocytochemistry CPT 88342 - tech	42
Electron Microscopy CPT 88348 - tech	24
Special Stain CPT 88312 - tech	2
Special Stain CPT 88313 - tech	69
Special Stain CPT 88314 - tech	13
Determ Histoche- muscle biopsy CPT 88319 - tech	19
Surg Path (margins reviewed) CPT 88307 - tech	4
In Situ Hybridization CPT 88365 - tech	2
HC IMHISTOCHEM/CYTCHM EA ADDL ANTIBODY SLIDE CPT 88341 -tech	19
HC M/PHMTRC ALYS TUMOR IMHCHEM EA ANTIBODY MANUAL CPT 88360 -tech	2
Surgical Path CPT 88305 - prof	43
Immunoflourescence CPT 88346 - prof	40
Immunocytochemistry CPT 88342 - prof	13
Electron Microscopy CPT 88348 - prof	28
Special Stain CPT 88313 - prof	29
Special Stain CPT 88314 - prof	10
114.40 Slide Consultation CPT 88321 - prof	21
Surg Path, Gross/Micro Level V CPT 88307 - prof	1

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Determinative Histochemistry CPT 88319 - prof	9
Special Stains (SEP) CPT 88312 - prof	2
Tumor immunohistochem/manual CPT 88360-prof	1
Insitu hybridization (fish) CPT88365 -prof	1
IMHISTOCHEM/CYTCHM EA ADDL ANTIBODY SLIDE CPT 88341 -prof	3
Blood platelet aggregation CPT 85576	0-1
Clinical Pathology	
Factor VIII assay CPT 85240	5
Factor IX assay CPT 85250	0-1
Factor V assay CPT 85220	0-1
Factor X assay CPT 85260	0-1
Factor II assay CPT 85210	0-1
Factor VII assay CPT 85230	0-1
Factor XI assay CPT 85270	0-1
B Cell Total CPT 86355	0-1
T Cell Total CPT 86359	0-1
Absol CD4 & CD8 CPT 86360	0-1
Nat Killers CPT 86357	0-1
Flow Cytometry Tech CPT 88184	0-1
Flow Cytometry Tech CPT 88185	0-1
Platelet Aggregation CPT 85576	0-1
Ristocetin CPT 85576 x 5	0-1
ANA titer CPT 86039	10

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NRNP CPT 86235	35
SM CPT 86235	0-1
SS-A CPT 86235	0-1
SS-B CPT 86235	0-1
Anti-DS-DNA CPT 86225	0-1
Carboxyhemoglobin CPT 82375	1
Methemoglobin CPT 83050	0-1
ANA-Hep 2 substrate (screen) CPT 86038	20
Methotrexate 80299	4

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;
- (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):

Brigham and Women's Hospital (BWH) is the academic affiliate of VA Boston. They have pathologists that are experts in kidney and muscle pathology. VISN 1 does not have anatomic pathology specialized in kidney and muscle pathology. Electron microscope and immunofluorescence are also needed for muscle and kidney biopsies. Neither of these services is available in VISN 1. The VA Maine Lab Chief noted that there are no local options for this service. BWH has provided these services under prior annual stand-alone contracts. A long term IDIQ contract will allow the VA VISN1 laboratories to continue to obtain the essential and unique capabilities for these specialized services which would not otherwise be reasonably available and can accommodate the VA's VISN1 patient population needs for these laboratory testing services. As an affiliate, Partners Healthcare, Brigham & Women's Hospital, has extensive knowledge of the VISN1 needs, culture and orientation to fulfill the rapid turnaround time requirement.

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For Clinical pathology testing:

1. These tests are time sensitive and must be performed STAT. The following tests are primarily ordered by VA Boston: Factor VIII assay, Platelet aggregation, Ristocetin, Carboxyhemoglobin, Methemoglobin, Factor IX assay, Factor V assay, Factor X assay, Factor II assay, Factor VII assay, Factor XI assay. For Anatomic pathology and cytopathology consultative services: Mainly muscle, skin and kidney biopsies, must be received and reviewed immediately after biopsy to preserve the integrity of the specimen. Brigham and Women's Pathology Department is the academic affiliate to the West Roxbury VA Pathology Department and can meet the rapid turnaround time requirement for VA Boston.
2. The following tests are ordered by WRJ's Chief of Rheumatology on select diagnostic cases that require confirmatory testing. Testing performed by BWH is more sensitive than the offering from our primary reference lab: ANA titer, NRNP, SM, SS-A, SS-B, Anti-DS-DNA, , ANA-Hep 2 substrate (screen).
3. The following tests are needed to back up the VISN 1 Flow Cytometry Lab located at West Roxbury during times of staff shortage or equipment issues: B Cell total, T Cell total, Absol CD4 & CD8, Nat Killers(CD56), Flow Cytometry tech.

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

Brigham and Women's Hospital is the academic affiliate of VA Boston. Therefore, they are uniquely experienced and qualified to meet the STAT and specialized laboratory testing services need throughout the VISN1 geographic area.

A Sources Sought Noticed was posted to FBO on 11/23/2015 under Request for Information (RFI) # VA241-16-Q-0089. A description of the Performance Work Statement was included with the RFI. The notice requested that interested parties provide capabilities to fulfill this requirement for evaluation.

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

Prices will be determined to be fair and reasonable based on comparison with pricing negotiated in previous awards with Partners Healthcare, Brigham and Women's Hospital for the same service. Pricing will also be compared to similar previous awards for lab testing services.

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

Brigham and Women's Hospital is the most qualified, experienced and reliable contractor who can fulfill the VA's need to obtain these VISN1-wide STAT laboratory and other specialized testing services for all medical center locations in VISN1.

Previous consultation with a Quest Sales Representative failed to verify that these STAT clinical pathology testing requirements could be met by Quest, a NAC FSS contract holder with a facility in the Boston geographic location.

Searches conducted on GSA, SBA Dynamic Search and VetBiz failed to identify other sources that could meet this need in the VISN1 geographic proximate area. The one respondent to the FBO Sources Sought Notice does not appear to have the capability to meet the VISN1 needs for these STAT specialized laboratory testing services.

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

Brigham and Women's Hospital is the academic affiliate of VA Boston. They have pathologists that are experts in kidney and muscle pathology. The affiliate relationship is the basis for a high level of familiarity with contractor's technology, technical specialists' techniques and pathologists' area of expertise that enables VA pathologists to customize their approaches to formulate accurate diagnoses with more efficiency.

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

The sole response was received from Cedar Diagnostics, a GSA contract holder. Their capabilities statement was reviewed by the Program Manager who determined they would not be able to meet the rapid turnaround time requirements. Additionally, the VA Boston Chief of Pathology explained that the types of biopsies that would be tested during the performance of this procurement are fresh specimens and need to be transported to the receiving institution shortly after collection to preserve tissue integrity.

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:

An annual review of performance will be completed prior to exercising the renewal option. If the Contractor does not meet government standards, the Contracting Officer will be notified prior to renewal.

Any future procurement for these services will also be posted to FBO with a Sources Sought Notice. The VA will consider sources that respond to the notice, can meet the need for the STAT and other specialty laboratory testing services within the VISN1 geographic proximity.

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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.

Mary-Ann
Bridgwood 150466

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0.9.2342.19200300.100.1.1=mary-
ann.bridgwood@va.gov, cn=Mary-Ann
Bridgwood 150466
Date: 2016.02.04 14:35:43 -05'00'

Feb 4 2016

Date

Mary-Ann Bridgwood
Program Manager
Facility VISN1 Network Consolidated Laboratory

12. 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

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

Christopher G. Humphrey
400660

Digitally signed by Christopher G. Humphrey 400660
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=christopher.humphrey@va.gov,
cn=Christopher G. Humphrey 400660
Date: 2016.02.04 14:42:08 -05'00'

Christopher G. Humphrey
Contracting Officer

Date

b. **QA Review:**

Dilk, Gary

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DN: dc=gov, dc=va, ou=Entities,
ou=InternalStaff, cn=Dilk, Gary
Date: 2016.02.05 10:56:06 -05'00'

Gary W. Dilk
Procurement Analyst

Date

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

Gerald F. Jacobs 668993

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0.9.2342.19200300.100.1.1=gerald.jacobs@va.gov,
cn=Gerald F. Jacobs 668993
Date: 2016.02.09 11:02:46 -05'00'

Gerald Jacobs
NCO/PCO 1 Director of Contracting or Designee (Acting)

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- d. **VHA HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$12.5 million) or approve (\$650K to 12.5 million) for other than full and open competition.

Randy L. Hays 534204

Digitally signed by Randy L. Hays 534204
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0.9.2342.19200300.100.1.1=randy.hays@va.gov, cn=Randy L. Hays 534204
Date: 2016.02.09 14:17:30 -08'00'

Name

Date

VHA Head of Contracting Activity (HCA)