

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval (J&A)
For
Other Than Full and Open Competition >\$150 K

Acquisition Plan Action ID: VA770-16-AP-0336

1. Contracting Activity:

Department of Veterans Affairs
Network 15 Contracting Office (NCO 15)
CMOP Division
3450 S. 4th St Trafficway
Leavenworth, KS 66048

Contract Specialist: Bradley Paxton

MedSurg Supplies purchased for :

VA CMOP Leavenworth - 760
5000 S. 13th St.
Leavenworth, KS 6604-5580
Attn: Diane.Nolting@va.gov

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

- J&A for **Brand Specific** MedSurg Supplies.
- The requirement is for stock replenishment of medical supplies as listed below in Section 3 prescribed for patients and filled by CMOP at a firm fixed price. This J&A is in conjunction with the 2237 to continue providing an uninterrupted supply of direct patient care items required by the Facility.

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

- Estimated cost: **\$249,064.08**

Item #	Description/Part Number*	Qty	Price	Extended Amount
1	BREATHE RIGHT NASAL STRIPS LARGE	480	\$10.64	\$5,107.20
2	LANCET,ONE TOUCH DELICA	768	\$8.95	\$6,873.60
3	BREATHE RIGHT NASAL STRIPS SM/MED	72	\$10.64	\$766.08
4	NOVA MAX(GLUCOSE)TEST STRIP	360	\$16.87	\$6,073.20
5	LANCET,ONE TOUCH ULTRA SOFT	1800	\$9.58	\$17,244.00
6	ONE TOUCH ULTRA (GLUCOSE) TEST STRIP	6000	\$35.50	\$213,000.00

Delivery Date: 04/25/2016

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

41 USC §253(c), as implemented by FAR 6.302-1(c) Only one source responsible source and no other supplies or services will satisfy agency requirements per FAR 6.302-1.

- (X) (1) Only one responsible source and no other supplies or services will satisfy the Agency requirements per FAR 6.302-1: BRAND SPECIFIC
- () (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):

These items are brand specific per VA print name and cannot be substituted. Items are currently not available on the NAC or any other supply schedules. These items are prescribed by a VA Physician and have "do not substitute" written on the prescription. VA doctors write prescriptions based on clinical needs and the CMOP can only dispense what is written if there is a "do not substitute" order beside the prescription. These are brand name only requirements based on clinical needs in accordance with written prescriptions in order to provide critical patient care. No other product will meet the Government's needs. CMOP's prescription print names are specific to this product.

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

- Thorough market research has been conducted and it has been found that Breathe Right nasal Strips, Lancet, one touch, and Nova Max (glucose) test strips are not found to be on VA NAC or GSA contract.
- There are several small businesses including VOSB and SDVOSB wholesalers/distributors that can provide these Med/Surg items listed on this purchase request. This information is being obtained from previous procurements of similar items on this request, which were done by competing the items on the open market.
- An open market RFQ for MedSurg Item will be posted to FedBizOps for which all vendors will have an opportunity to submit offers.

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

- The Leavenworth CMOP anticipates the cost to the Government will be fair and reasonable based on comparison to recent prices paid by CMOP.
- There will be competition between wholesalers/distributors for the requested items.

Brand Name Justification for Open Market Med/Surg Items: 760-16-2-050-0540

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

- After searching NAC & GSA, there are no available contracts for any of the items requested. A search of the Center for Veteran Enterprise Vendor Information Pages indicates there are 77 SDVOSB or VOSB vendors which are engaged in the manufacture of pharmaceuticals.
- A query at the SBA Dynamic Search portal returned 949 possible small business vendors.
- However, these vendors are not engaged in manufacture, but are distributors for large business wholesalers.
- The Government is not allowed to do business using Wholesale Trade or Retail Trade NAICS codes, searches must be conducted using the manufacture NAICS code of 325413.

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

- NOT APPLICABLE

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

- NOT APPLICABLE

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:

- At this time, the Physician has prescribed the above mentioned Name Brand MedSurg Supplies as the only Brands that will meet the specific needs of the Patients.
- We are still competing this amongst Distributors.

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: Diane Nolting
Title: Inventory Management Specialist
Facility: VA CMOP

4-5-16
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.

Julian Lake

Date

Brand Name Justification for Open Market Med/Surg Items: 760-16-2-050-0540

Contracting Officer
CMOP Acquisitions, NCO 15

- b. Director, CMOP Acquisitions (Required \$150K and above) I certify the justification meets requirements for other than full and open competition.

Christine L. Scena
Director, CMOP Acquisitions Team
Network Contracting Office (NCO) 15

5 April 2016
Date