# JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION DUE TO SOLE SOURCE REQUIREMENT

| REQUIRED INFORMATION |
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| **1.** FACILITY NUMBER-NAME- CITY, STATE: ***437-FARGO HSC-FARGO, ND*** |
| **2.** VISN OR PROGRAM ACTIVITY: ***23*** |
| **3.** POC NAME AND TELEPHONE NUMBER: ***DEBBIE K SCHMIDT -701-239-3700 EXT 3023*** |
| **4.** PROPOSED ACTION: Sole Source Procurement of ***COMMODITY*** |
| **5.** DESCRIPTION OF REQUIREMENT: ***GAMUNEX-C 20% and 10% dosages***<br>• Supplies/Equipment: Technical Characteristics can include, but are not limited to model, make, part number, color, size, quantity, delivery date, etc. Services: Refer to the statement of work, statement of objective, or performance work statement for your description. |
| **6.** STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION: ***Unusual and Compelling Urgency***<br>• FAR 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements<br>• FAR 8.405-6 Limited sources justification and approval<br>• FAR 13.106-1(B) SAP Requirements – Soliciting From a Single Source<br>• This is a reference to the part of the Federal Acquisition Regulation that allows an item to be purchased without being fully competed. This statement serves as a point of reference in case the justification is questioned. In this case, it would be reviewed for its relativity to this part of the Federal Acquisition Regulation. |
| **7.** NATURE & BACKGROUND OF ACQUISITION TO JUSTIFY SOLE SOURCE: ***I called McKesson on Feb. 1st to try and order Gamunex on contract. I was informed they didn't have any left on contract. The pharmacy had an urgent and compelling need of this product. Local resources were unable to provide on a borrowed basis. We had patients that required immediate treatment and delay would have created an adverse effect on veteran care.***<br>• Describe the minimum salient characteristics that will meet your needs. This is the area where you explain why no other vendor anywhere can supply this requirement for you. Acceptable reasons for "sole source" include (but are not limited to): bound by contract, technical order specification, warranty service, or regional standardization. If the reason for sole source is determined locally, offer what market research or clinical guidelines led to the decision. If this item is included in an allowance standard for War Reserve Materiel (WRM), cite the allowance standard, required source, and stock number for this item. NOTE FOR WRM PURCHASES: The Defense Logistics Agency is your primary source for WRM equipment. Be sure to determine availability from a DLA item manager before contracting for WRM equipment. If DLA cannot meet your timelines for WRM equipment, your urgency may be further justification for other than full and open competition. See your Medical Logistics Flight Commander for more details. |
| **8.** PROVIDE INFORMATION SHOWING MARKET RESEARCH WAS CONDUCTED: ***MARKET RESEARCH WAS NOT CONDUCTED AS MCKESSON IS THE PRIME VENDOR AND I WAS CONFIDENT WE WOULD RECEIVE IT THE NEXT DAY.***<br>• This justification is for why no other vendor anywhere can supply your item or service and still meet your needs. Your rationale for barring other vendors is crucial to your justification. If you already cited the statutory reason for a sole source, state, "See paragraph 7". If your rationale for a sole source purchase was determined locally, offer an explanation of the source selection process you went through to determine your sole source requirement. Unacceptable reasons include (but are not limited to) personal taste, good relationship with existing vendor, or one's comfort level with a particular vendor. |

- Describe the similarities and differences in vendors for the product that you are aware of that could assist or prevent the purchaser from obtaining the best value for you. Be sure to name the vendors. This section will help the purchaser decide which vendors are available to purchase this item from. If market research was not conducted, state it AND the reason that there was no market research.

**9.** PRICE ANALYSIS "FAIR AND REASONABLE": ***BASED ON PREVIOUS PURCHASE FOR GAMUNEX FROM OTHER VENDORS, THE PRICE HAS BEEN DEEMED FAIR AND REASONABLE. WHEN COMPARED TO OTHER COMPANIES THE PRICES ARE WITHIN 5% OF THE TOTAL OFFERED FROM EACH COMPANY. The total price of the purchase was $47,106.00.***

- This section is mandatory. Do not leave this section blank. Even though this must be purchased from only one source, you must still obtain a quote from the vendor for this purchase. This way you are able to verify added costs for delivery, your geographic region, or installation. Cite the pricing here. If you purchased this item before, compare this price to what you paid last time. Cite this here as well.

**10.** LISTING OF SOURCES EXPRESSING INTEREST IN THIS REQUIREMENT: ***A FEDBID solicitation was posted for a previous Gamunex order. Received quotes from 4 small businesses.***

- Enter or attach contact information for sources you cited in the description of your source selection. If sole source by statute, regulation, or standard, list contact information for that source here.

**11.** FUTURE ACTION TO OVERCOME BARRIER TO OTFOC: ***Future purchases of Gamunex WILL be posted via the FEDBID site. This was an emergency and as evidenced in previous solicitations, small businesses were unable to provide the product on short notice to be delivered the next business day. Future Gamunex orders will be posted for competition when time allows. ALL FUTURE GAMUNEX ORDERS WILL BE SOLICITED AMONG SMALL BUSINESS DISTRIBUTORS VIA THE FEDBID SYSTEM. Only after unsuccessful attempts to obtain from small business will delivery be placed with large businesses.***

- This section fulfills the legal requirement to affirm that the selection of a singular source for this requirement is an anomaly and that action will be taken in the future to ensure full competition in the future. The reason this is needed is to describe how the government will make an effort in the future to fully comply with standard acquisition practices and not resort to creating unnecessary partnerships with few vendors at the risk barring full competition to circumvent the FAR. By signing this, you are telling the contracting officer to avoid the processes that assure best value and fairness in this acquisition. If the reason for sole source purchase is because of statute, standard, or regulation, enter "THE SOURCE FOR THIS PURCHASE IS REQUIRED IAW [cite the standard here].

| SUBMITTED BY: | SIGNED BY: |
|---|---|
| Signature: Debbie Schmidt | Signature: |
| Department/Requestor | Warranted Contracting Officer |
| Date: 2/9/12 | Date: 2/10/12 |

APPROVED BY:

Signature:

NCM or Product Line Supervisor

Date: 2/10/2012

Note: Anything that is over 500K will need to strictly follow the SOP J&A Attachment.