

**DEPARTMENT OF VETERANS AFFAIRS**

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

Acquisition Plan Action ID: VA263-16-AP-3500

**1. Contracting Activity:**

Department of Veterans Affairs, NCO 23, St. Cloud VA Health Care System, 4801 Veterans Drive St. Cloud, MN 56303. Organization Activity: Minneapolis VA Health Care System, One Veterans Drive Minneapolis, MN 55417, 618-16-2-040-0159. This is a Brand Name Only justification for other than full and open competition.

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

This procurement is for a brand name only firm fixed price purchase order for a Copan Diagnostic Inc. Walk-Away Specimen Processor Lab (WASPLab) Automated Microbiology Analyzer for the Minneapolis VA Health Care System (MVAHCS) for the processing of patient specimens for microbiology workup in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

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

MVAHCS has a need of a totally automated system for the inoculation, processing, storing, incubating, and reading of patient specimens for Microbiology culturing. The instrument replaces the labor-intensive aspect of specimen plating with front end robotic specimen processing which provides standardization of steps. Lab techs will be able to walk away from the instrument while it is processing and attend to other more complex and critical daily workbench duties. Robotic specimen processing and media plate management along with image acquisition technology is needed to allow efficient interpretation, follow up, and resulting of microbiology specimen workups. The WASPLab provides these improved efficiencies in pre-analytical, analytical and post analytical Microbiology specimen management.

Delivery Date: 120 days ARO

IGCE: [REDACTED]

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

The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 1901 as implemented by the Federal Acquisition Regulation (FAR) 13.106-1(b)(2).

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

This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The MVAHCS requires an automated microbiology analyzer for processing patient specimens for microbiology workup. Market research has determined that the Copan WASPLab analyzer is the only automated analyzer that meets the MVAHCS specifications as well as compatible with the MVAHCS' current BioMerieux Vitek 2. Full automation and compatibility with the BioMerieux Vitek 2 is essential to the Government's requirements, thereby precluding consideration of a product

manufactured by another company. As there are 2 vendors that are authorized to distribute the WASPLab, a brand name only solicitation will be issued to promote competition between the vendors. Market research determined that there are other analyzers on the market but that they are either not fully automated and/or compatible with the BioMerieux Vitek 2.

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

Market research was conducted to determine what options are available for automated microbiology analyzers. As only the Copan WASPLab analyzer was identified that met the MVAHCS requirements Copan was contacted to determine if there were any authorized distributors. They responded that there are 2 approved vendors for their WASPLab analyzer. As there are 2 vendors that can provide the analyzer, a brand name only solicitation will be issued to promote competition.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Price will be determined fair and reasonable through competition as this will be a brand name only solicitation through FBO.

**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 to determine what automated microbiology analyzers are available in the market place. The MVAHCS conducted on-line and literature searches and had discussions with vendors to determine what products are available. The only fully automated analyzer that they were able to identify that meets their requirements is the Copan WASPLab analyzer. An RFI was posted on 3/2/2015 through GSA eBuy to determine if there were automated microbiology analyzers available on contract. No vendors responded stating that they could provide an analyzer. On 2/3/2016 Copan Diagnostics Inc verified through email that there are only 2 authorized vendors that can provide the WASPLab analyzer. On 3/18/2015 a Source Sought was posted through FBO. 2 vendors responded, the first stated that they could provide the Copan WASPLab analyzer and the second stated they could provide analyzers but none that meets the specifications.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** None

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

ThermoFisher Scientific – Large Business  
12150 Santa Fe Trail  
Lenexa, Kansas 66215

Beckman Coulter Inc – Large Business  
250 S. Kraemer Blvd  
Brea, CA 92621

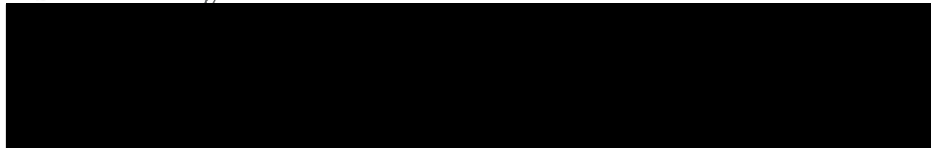
**11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:**

Market research will be conducted if future procurements are needed to determine if there are other manufactures' products that are compatible with the existing MVHCS equipment.

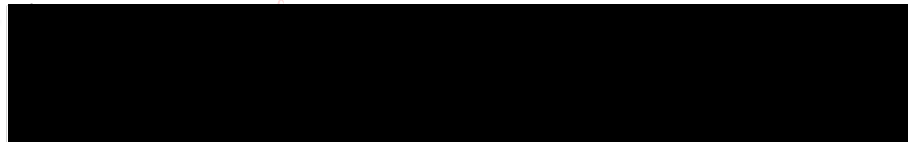
**12. Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

**13. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.**

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



- b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.



- c. **VHA SAO 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 approve (\$700K to 13.5 million) for other than full and open competition.

