

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID: VA251-17-AP-3750**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 10, Richard L. Roudebush VA Medical Center, Indianapolis, Indiana 46202.
2. **Nature and/or Description of the Action Being Processed:** Procurement of a base plus four (4) option year firm fixed price service contract for Benchmark Equipment Maintenance Services. The period of performance to begin on October 1, 2016 through September 30, 2017 with four option years. The Independent Government Estimate for this base plus four option year contract is \$215,015.99 (base year of \$38,912.48).

**FAR13.5 Simplified Procedures for Certain Commercial Items:** The services requested are commercial in nature; this request is for preventative and emergency maintenance services of the Roche Diagnostics, BenchMark equipment utilized by the Lab.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**  
Roche Diagnostics shall provide all parts, materials, labor, supervision, test equipment, technical manuals and transportation necessary to perform preventive and emergency maintenance on the following equipment:

BenchMark LT- Serial Number 610251  
BenchMark XT- Serial Number 714590  
BenchMark Special Stains- Serial Number 5111059

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;  
  
☒ FAR 13.5 in accordance with 41 USC 1901

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

All maintenance and repair services must be performed by an OEM factory-trained technician and the equipment must be certified to meet Roche Diagnostics performance requirements. Roche

Chapter VI: Other Than Full and Open Competition (OFOC) SOP  
Attachment 3: Request for Sole Source Justification Format >\$150K

Diagnostics is the OEM of this equipment and does not sell their parts and does not provide their OEM training to third party authorized vendors. There are no other vendors that have the skills and expertise to provide the maintenance services to this equipment.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** No efforts were made to solicit other offers due to the requirement for OEM replacement parts, and OEM trained technicians.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Officer will ensure the prices being offered are fair and reasonable through use of reviewing past procurement history of these services (VA251-14-C-0010), comparing the IGE, and the offerors quote. VA251-14-C-0010 was originally awarded to Ventana in the amount of \$79,244.40 for a base +2. The original contract also didn't include the Special Stains equipment which raised the dollar value of this procurement by \$61870.14. Roche Diagnostics acquired Ventana in 2014 and thus became the sole proprietor of the replacement parts, and trained technicians for this equipment.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The OEM, Roche Diagnostics, was contacted to provide a quote of their services. An internet search was conducted in an effort to identify any other vendors that are capable of providing these services; the search returned no results. Roche Diagnostics is the only vendor that can provide the emergency and preventative maintenance on this specialized equipment for the reasons stated above.
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:**  
Roche Diagnostics  
9115 Hauge Road  
Indianapolis, IN 46256
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:** In the future, market research will be conducted to determine if there are any newly approved third party authorized vendors that could possibly provide these services.
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.

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Nicole M. Patterson  
Biomedical Engineer  
Indianapolis VAMC

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Date

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.

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Lisa Frymier  
Contracting Officer  
Network Contracting Office 10

\_\_\_\_\_  
Date

- 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.

\_\_\_\_\_  
Toni Waggoner-Boykin  
Supervisory Contract Specialist  
Branch Chief, IN Services Team  
Network Contracting Office 10

4-Aug-2016  
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Date