

LIMITED SOURCES JUSTIFICATION

ORDER >\$150,000

FAR PART 8.405-6

Acquisition Plan Action ID: VA263-16-AP-10329

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

Restricted to the following source: Provide *original manufacturer's* name for material or contractor's name for service. (If a sole source manufacturer distributes via dealers, ALSO provide dealer information.)

Manufacturer/Contractor: Siemens Healthcare Diagnostics

Manufacturer/Contractor POC & phone number: Cathy Knutsen, 714-655-3235

Mfgr/Contractor Address: 115 NORWOOD PARK, SOUTH, NORWOOD, MA 01062-4633

Dealer/Rep address/phone number: _____

The requested material or service represents the minimum requirements of the Government.

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs

VISN 23 PLMS 113

One Veterans Drive

Minneapolis, MN

VISN:

23

(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

This action is for a blanket purchase agreement (BPA) whereby the holder shall provide Chemistry/Immunochemistry Analyzer cost per reportable result (CPRR)/cost per test (CPT) testing under FSS Schedule V797D-30175. This request is for a firm fixed priced blanket purchase agreement.

(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:

The Vendor is required to provide each participating facility with an FDA approved chemistry/immunochemistry testing system to include the following capabilities: Equipment must meet the test menu requirements of the using facility defined under VA263-BP-0143.

Contractor must supply all instrumentation, reagents, controls, calibrators and replacement parts to perform testing at VISN 23 laboratories in Minneapolis and Twin Ports (Superior).

(b) ESTIMATED DOLLAR VALUE: \$ ██████████

(c) REQUIRED DELIVERY DATE: October 1, 2016 to March 31, 2017

(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.

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Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

A patent, copyright or proprietary data limits competition. The proprietary data is:
(If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

These are "direct replacements" parts/components for existing equipment.

The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

VISN 23 is requesting a 6 month continuation of current equipment to allow contract award and equipment crossover per Regulatory Agency requirement. Additionally, the process to change laboratory equipment is highly regulated by Joint Commission, College of American Pathologist, Food and Drug Administration, and CLIA. The process is extremely specific and failure to follow regulations will result in licensure revocation. For equipment of this magnitude, the crossover/transition period is typically 3-6 months. VISN 23 laboratories in Minneapolis and Twin Ports (Superior) have Siemens instrumentation systems placed almost 5 years ago and have been using these analyzers along with their products/reagents to perform Chemistry/Immunochemistry testing for our VISN 23 veterans. These analyzers and reagents have been proven to meet the needs of the VA at this time. The requested contractor agrees to provide the same equipment, service, supplies and products required in support of our VISN 23 laboratories as defined in VA263-BP-0143. By entering into a six-month agreement with Siemens as the contractor, the VISN 23 labs would be able to continue the services without interruption and no additional cost in time or monies to the government.

The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

The current BPA expires September 30, 2016. Failure to perform chemistry testing/immunochemistry testing will result in significant patient delays that may impact mortality. These analyzers perform STAT testing, such as cardiac testing, that when delayed, impact patient treatment.

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(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

Supplies and services offered are at or below the existing contract for similar items and services.

(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

GSA, FBO, SBDS, VETBIZ, SAM, FCO, FPDS were all searched.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

None

(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

A new solicitation has been posted to GSA under VA263-16-Q-0137. This sole source will bridge the gap until a new one can be awarded.

(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

Jill Johnson JILL M JOHNSON 531094
Digitally signed by JILL M JOHNSON 531094
 DN: dc=gov, dc=va, o=internal, ou=people,
 0.9.2342.19200300.100.1.1=jill.johnson2@va.gov, cn=JILL M JOHNSON 531094
 Date: 2016.09.15 08:00:02 -05'00'

SIGNATURE	DATE	
<u>Jill Johnson</u>	<u>Health System Specialist</u>	<u>PLMS</u>
NAME	TITLE	SERVICE LINE/SECTION
<u>VISN 23</u>		
FACILITY		

(10) 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.

LANCE A. HAMAN
334403
Digitally signed by LANCE A. HAMAN 334403
 DN: dc=gov, dc=va, o=internal, ou=people,
 0.9.2342.19200300.100.1.1=lance.haman@va.gov,
 v, cn=LANCE A. HAMAN 334403
 Date: 2016.09.14 19:56:23 -05'00'

CONTRACTING OFFICER/DESIGNEE'S SIGNATURE	DATE
<u>Lance Haman Contract Officer</u>	<u>9/14/2016</u>
NAME AND TITLE	FACILITY
	<u>NCO - 23</u>

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b. **Director of Contracting/DESIGNEE:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Daryl A. Berg 429170
Digitally signed by Daryl A. Berg 429170
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=daryl.berg@va.gov, cn=Daryl
A. Berg 429170
Date: 2016.09.15 14:47:54 -05'00'

SIGNATURE

09/15/2016

DATE

Daryl Berg NCO 23 Director of Contracting
NAME AND TITLE

HIGHER LEVEL APPROVAL (Required For orders over \$700,000):

c. **VHA SAO HCA REVIEW AND APPROVAL (over \$700,000 to \$13.5 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for restricting consideration of the Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4

Linda S. Greaves
404790
Digitally signed by Linda S. Greaves 404790
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=linda.greaves@va.gov,
cn=Linda S. Greaves 404790
Date: 2016.09.21 12:16:24 -05'00'

NAME: Linda S. Greaves

Acting Director, SAO Central Region

SAO Central Head of Contracting Activity (HCA)

9/21/2016

DATE