

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. Contracting Activity: Department of Veterans Affairs, Network 16 Contracting Activity, Michael B. DeBakey VA Medical Center # 580, VA Medical Center 2002 Holcombe Boulevard Houston, TX.

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

This action is to award a firm fixed-price award for antibodies and reagents for the Flow Cytometry. The Flow Cytometry antibodies and reagents are manufactured by Beckman Coulter and the machine is currently owned by the VAMC Houston and no other antibodies and reagents are compatible with this system.

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

Antibodies/Reagents manufactured by Beckman Coulter for the Navios flow cytometer.

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

Exclusive Licensing agreements.

☒ (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;

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

As previously stated above the Houston VAMC owns the Flow Cytometry machine and only the Beckman Coulter Inc. reagents and antibodies are compatible with the machine. Beckman Coulter Inc. provided an email stating that there are no authorized distributors and that all sales for the antibodies and reagents are made directly with Beckman Coulter Inc.

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

This procurement action is a bonafide sole source and see paragraph #8 for justification.

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

The VAMC owns the Flow Cytometry machine and Beckman Coulter has guaranteed a 30% discount. The FY 16 awarded procurement action will be reviewed for applicable pricing to ensure price reasonableness as well as a IGCE price comparison.

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

The VAMC Houston currently owns and maintains the Flow Cytometry and no other antibodies and reagents brands are compatible or interchangeable with the machines. Beckman Coulter provided an email stating that there are no authorized distributors and states that the antibodies and reagents are sold directly from the company. It has been determined that the required antibodies and reagents are only available directly from Beckman Coulter and that this action should be processed as a sole source procurement action. Also, the non-manufacturing rule (NMR) applies because this procurement action exceeds the simplified acquisition threshold. Beckman Coulter is a large business under the applicable NAICS code and there is no Small Business Administration NMR waiver in place that is applicable for the NAICS/PSC/Procurement-Description, and resulting in this procurement action not being set-aside for small business distributors even if some were available. The result of this action limits conducting any further market research.

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: This procurement action is a sole source acquisition and will be solicited and awarded directly to Beckman Coulter Inc., 250 south Kraemer Brea, CA.

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:

12. Requirements Certification: The Houston VAMC has owned the Flow Cytometry since 2014 and when needed the procurement requirement to replace the equipment will be processed as a competitive procurement action.


Peter Basten

1-10-17
11/29/2016
Date

Title: Management and Program Analyst
Facility: Michael E. DeBakey VA Medical Center

13. Approvals in accordance with FAR 6.304 This part is filled out by Contracting Staff as part of the Justification

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

Diyonne N.
Williams 336553

Digitally signed by Diyonne N. Williams 336553
DN: cn=Diyonne N. Williams, o=Internal, ou=people,
ou=2342.19200100.100.1, email=Diyonne.N.Williams@va.
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Diyonne Williams
CONTRACTING OFFICER
NETWORK 16 CONTRACTING ACTIVITY
Michael E. DeBakey VA Medical Center

Date