

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA263-16-AP-11916

- Contracting Activity:** Network Contracting Office (NCO 23) – Fargo, VA HCS, 2101 Elm St North, Fargo, ND 58102.
- Nature and/or Description of the Action Being Processed:** **FAR13.5 Simplified Procedures for Certain Commercial Items:** This procurement is for Fixed Price contract for Luminex Labtype SSO beads A, B, C, DRB1, DRB3*4*5, DQA1 to type for specific locus. Luminex Labscreen single antigen Class I & Class II beads. 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.
- Description of Supplies/Services Required to Meet the Agency's Needs:** Labtype RSSO1A, RSSO1B, RSSO1C, RSSO2B1, RSSO2345, RSSO2Q1, RSSOH1B, RSSOH2B1 beads, and Labscreen single antigen Class I & Class II beads will be used on the One Lambda LABScan 100 Flowanalyzer with Fusion software. Quantities and cost (see table below). The One Lambda Fusion software is compatible with HistoTrac the laboratory's lab management program.

ITEM NUMBER	DESCRIPTION OF SUPPLIES	QUANTITY	UNIT PRICE	AMOUNT
1	LABTYPE SSO CLASS I/A 100 tests Stock # RSSO1A	5.00 KITS	\$2,117.11	\$10,585.55
2	LABTYPE SSO CLASS I/B 100 tests Stock # RSSO1B	5.00 KITS	\$2,117.11	\$10,585.55
3	LABTYPE SSO CLASS I/C 100 tests Stock# RSSO1C	1.00 KITS	\$2,117.11	\$2,117.11
4	LABTYPE SSO CLASS II/DRB3,4,5 100 tests Stock # RSSO2345	5.00 KITS	\$2,117.11	\$10,585.55
5	LABTYPE SSO CLASS II/DRB1 100 tests Stock # RSSO2B1	5.00 KITS	\$2,117.11	\$10,585.55
6	LABTYPE SSO CLASS II/DQA1/DQB1 100 tests Stock# RSSO2Q	5.00 KITS	\$2,117.11	\$10,585.55
7	LABSCREEN CLASS I SINGLE ANTIGEN COMBI 25 tests Stock# LS1A04	90.00 KITS	\$2,447.92	\$220,312.80
8	LABSCREEN CLASS II SINGLE ANTIGEN (GROUP I) 25 tests Stock# LS2A01	90.00 KITS	\$1,935.56	\$173,930.40
9	ESTIMATED SHIP & HAND.	1.00	\$175.00	\$175.00

TOTAL	\$449,463.06
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4. Statutory Authority Permitting Other than Full and Open Competition:

- (x) (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):** Only One Lambda reagents can be used with the Fusion software that is installed in the VA-owned LABScan 100 Flowanalyzer. Using other reagents will render this equipment unusable. The Iowa Regional Histocompatibility and Immunogenetics Lab is the only tissue typing/ Human Leukocyte Antigen (HLA) Laboratory in the VA Health Care System and is charged with providing pre and post-transplant testing and antibody screening for the renal and renal & pancreas transplant programs at the Iowa City VA Health Care Systems.
- 6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research shows intermediate DNA typing reagents from GeneProbe do not currently meet industry standards due to HistoTrac software incompatibility to process patient reports. Future action is to continue to use this product until equipment has reached its life expectancy and replacement is required, at that time, other methods and sources will be researched.
- 7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Quotes/estimated received are in line with current processes and tests being performed at the Iowa City VA HCS as well as other sites throughout VISN 23, which have already been determined to be fair and reasonable IAW FAR Part 13.106-3.
- 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 and shows that only One Lambda reagents are compatible with the Fusion analysis software that is installed and in use of the aforementioned equipment. GSA was searched and no results were found. General internet searches were also performed. Market research on prior purchases and information provided by mission partner with current procurement package were used.
- 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:** One Lambda
- 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:**
Competition is the default strategy for all acquisitions conducted by NCO 23. This is required to ensure for the safety and quality of Healthcare for our Veteran Patients. Once the software being used on the equipment owned by the HLA lab has exhausted its life expectancy (approximately 1 year), this requirement will be re-competed using full and open competition.

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.

Donna Prime

Name: Donna Prime

Title: COR, Tissue Typing Lab

Facility: Iowa City

12/29/2016

Date

13. **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.

12/29/2016

Name: Darryl W. Moon

Title: Contract Officer

Facility: Fargo

Date

- b. **Director of Contracting /Designee (Required \$150K and above):** 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 other than full and open competition.

Name: Jesse Rheault

Branch Chief (Acting)

Facility: Fargo

Date