

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA261-17-AP-2333

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, Network Contracting Office, VA Martinez Medical Center, 150 Muir Road, Martinez, CA 9453-4668. This justification and approval is for other than full and open competition. 2237 number is 640-17-1-034-0049.
2. **Nature and/or Description of the Action Being Processed:** This is for the purchase of Bactec/F Blood Collection test kits for the Microbiology Laboratory from one manufacturer, Becton Dickinson & Co. This will be a new contract and a firm fixed price order.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The VA Palo Alto Health Care System is currently in need of Bactec/F Blood Collection test kits in order to perform blood culture testing on the Veterans. The estimated value for this order is \$97,056.00, and the total value including options is \$485,280.00. Bactec/F Blood Collection A3 test kits, (20 tests per kit) quantity 360 kits @ \$269.00 each. Period of performance is June 1, 2017 to May 31, 2022.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(1), as implemented by FAR 6.302-1.

- (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;

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for the purchase of Bactec/F Blood Collection test kits for use with a Bactec FX Microbiology Analyzer for VA Palo Alto, 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.

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The VA Palo Alto Microbiology Laboratory purchased a Becton Dickinson Bactec FX Microbiology Analyzer in September 2016 to perform patient blood culture tests. The Bactec/F Blood Collection test kits are required to perform the blood culture tests on the Veterans. The Bactec blood culture system is a fully automated

microbiology growth and detection system and is designed to detect microbial growth from blood specimens. The blood culture tests are used to detect the presence of bacteria or fungi in the blood that can cause an infection. A bacterial infection in the blood can be serious and life threatening because the blood can spread the bacteria to any part of the body. The Palo Alto microbiology clinicians rely on blood culture testing to aid in the diagnosis of bacteremia and fungemia. The Bactec/F Blood Collection test kits are made specifically for VA Palo Alto use. The kit consists of two blood collection bottles, one aerobic and one anaerobic along with other supplies that are required to perform the blood culture test on VA patients. The blood collection bottles are designed to fit only into the Becton Dickinson BD FX Analyzer, so no other manufacturer's blood collection bottles can be substituted. The requested blood test kits for this requirement must be compatible with the Becton Dickinson Bactec FX Analyzer due to proprietary nature.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research was performed on the VIP website to determine whether or not any SDVOSBs or VOSB's were capable of providing VA's requirement. One was located but after checking their website I found out that the supplier only specialized in plasma thawing units. Next, the SBA website was queried to determine if there were any suppliers that provided the BD blood test kit. None were located. There are no authorized distributors contracted to sell the test kits to the VA.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost will be considered fair and reasonable based on anticipation and verification that costs offered to the VA shall be in line with those extended to similar entities under similar circumstances.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was performed on the VIP website to determine whether or not any SDVOSBs or VOSBs were capable of providing VA's requirement. One was located but after further investigation it was concluded that the supplier only specialized in plasma thawing units. Next the SBA website was queried to determine if there were other suppliers that could provide the BD test kits. None were located. Based on the above, a sole source Requirements Contract will be negotiated with Becton Dickinson in order to meet this requirement.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Becton Dickinson & Co. is the manufacturer of the BD Bactec FX Microbiology Blood Culture Analyzer that the VA currently owns and the Bactec/F Blood Collection Test Kits that are required to perform the blood culture tests. Since the Government owns the existing Becton Analyzer, it has been determined and confirmed that only Becton Dickinson manufactured blood test kits are compatible due to the proprietary nature. Therefore, no other test kits manufactured by another source would be compatible with existing VA owned Becton Dickinson equipment. Furthermore, Becton Dickinson has confirmed that it does not have any authorized distributors contracted to sell the requested blood test kits to the VA.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**
*Becton Dickinson and Co.,
DBA BD Diagnostic System
7 Loveton Circle
Sparks, MD 21152
Attn: Bambi Beach*

- 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:** Once this equipment has run its full life cycle and there is a new equipment requirement then at that time the equipment will be re-evaluated for the prospect of finding other manufacturers that can meet the same requirement as the Becton Dickinson & Co. analyzer and supply kit. In the meantime, the VA cannot perform all the required blood culture tests without this blood collection test kit.
- 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.

Sang Gross
Laboratory Manager
VAPAHCS

Date

- 13. Approvals in accordance with the [VHAPM, Volume 6, Chapter VI: OFOC SOP](#). *This part if filled out by Contracting Staff as part of the Justification***

- 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.

Gary T Basile
Chief, Supply Branch II
NCO 21

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.

Gary T Basile
NCO DoC Designee
NCo 21

Date