

LIMITED SOURCES JUSTIFICATION

ORDER >\$150,000

FAR PART 8.405-6

Acquisition Plan Action ID: VA260-17-AP-2846

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The equipment listed in para. 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:

Manufacturer/Contractor: Bruker Daltonics Inc

Manufacturer/Contractor POC & phone number: 978-663-3660

Mfgr/Contractor Address: 40 Manning Road Billerica, MA, 01821 USA

Dealer/Rep address/phone number: Government Scientific Sources Inc/12351 Sunrise Valley Drive, Reston, VA 20191/ 800.248.8030

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

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs
Portland VAMC
3710 SW US Veterans Road
Portland, OR 97239

VISN: 20

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

Purchase of an Automated Microbiology instrument that can identify common pathogenic organisms in the same day as visible growth. The requirement includes databases needed for common pathogenic organisms, such as Gram Negative Rods, Gram positive Cocci, Mycobacteria, Filamentous Fungi, and a Bioterrorism library. The database is ever expanding, and updates in these categories are forthcoming and included in the price. There is a research use database that identifies other organisms and can validate organisms with comparison studies, which will further increase the facility's capability over time. This instrument will save the Technologist time by being able to turn out organism identifications easily, and simply with first day growth for most bacteria.

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

Mass Spectrometer – MALDI Biotyper CA System with four options for Maintenance

(b) ESTIMATED DOLLAR VALUE: \$217,502.39

(c) REQUIRED DELIVERY DATE: ASAP

(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.

☐ 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.

☒ Title 38 U.S.C. 8127 (b), (c) and (d) provide the authority for Department of Veterans Affairs (VA) Contracting Officers (COs) to make awards to service-disabled Veteran-owned small business (SDVOSB) and Veteran-owned small business (VOSB) firms using other than full and open competition when certain conditions are met.

Rational/explanation to support cited authority: IAW PPM Class Deviation to the VAAR 819.7008(A) the Contracting Officer may award to a verified VOSB using other than competitive procedures provided:

- a. The award price is not greater than \$5M: This procurement does not exceed this requirement.
- b. The VOSB is responsible: Government Scientific Sources has been determined responsible.
- c. Price paid must be at a fair and reasonable price: Item is available on GSA, see para (5).
- d. There is no SDVOSB that can provide: The VOSB vendor is the only SDVOSB/VOSB authorized by the manufacturer to provide this equipment.

In addition, 819.7008(b) states that the CO's determination to make a sole source award is a business decision wholly within the discretion of the CO. Government Scientific Sources Inc. is a Vetbiz verified VOSB and can provide this requirement at a fair and reasonable price.

Non-Manufacturer Rule does not apply as this is not being set-aside.

(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:

The pricing provided by Government Scientific Sources via their GSA contract has already been deemed to be fair and reasonable per FAR 8.404(d).

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

There are only two available commercial systems, the Bruker system and the Biomerieux system. Both systems were analyzed by Dr. Carmen Sciortino, PhD. The Bruker system serves the needs of the service line better insofar as the reliability, accuracy, ease of use, and smaller size. Amplifying selection information:

The Bruker system is the only viable unit on the market that will meet the customer's specific needs. Competitor systems require special electrical connections for 220v service, whereas the Bruker system runs on standard 110v service which is supported facility-wide. The Bruker system is

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also a smaller system and will sit on a laboratory bench top. Competitor units can be 6 feet tall, and require more footprint and floor space, which is unavailable.

The Bruker system becomes operational in a very timely manner, reducing test turnaround time. In addition, this system has a bioterrorism library, which would aid in the identification of highly pathogenic organisms associated with National Security. The facility is required to do presumptive testing currently with confirmation coming from the State health lab and this system gives a more definitive identification on the same day as visible growth.

(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:

None are necessary as this requirement is being procured under Title 38 U.S.C. 8127 (b), (c) and (d).

(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.)*

<u>Bryan G. Cunningham MD</u>		<u>5/22/17</u>
SIGNATURE		DATE
<u>Bryan G. Cunningham</u>	<u>Acting Chief</u>	<u>Path + Lab Med</u>
NAME	TITLE	SERVICE LINE/SECTION
<u>VAPORHCS</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.

<u>Robert Hamilton</u>	<u>05/23/2017</u>
CONTRACTING OFFICER/DESIGNEE'S SIGNATURE	DATE
<u>Robert Hamilton</u>	<u>NCO-20</u>
NAME AND TITLE	FACILITY

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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.

SIGNATURE

05/23/2017

DATE

Sheryl Chesnutt
NAME
NCO 20 Division Chief