

**U.S. DEPARTMENT OF VETERANS AFFAIRS
VETERANS HEALTH ADMINISTRATION**

**Justification and Approval (J&A)
For
Other Than Full and Open Competition**

1. Contracting Activity:

Department of Veterans Affairs, Network Contracting Office (NCO) 15, Consolidated Mail Outpatient Pharmacy (CMOP) Acquisitions, 3450 S. 4th Street Trafficway, Leavenworth, KS 66048

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

This action is a sole source award to 3T Federal Systems (DUNS: 557502155), 6013 Techni Center Drive, Suite B, Austin, TX 78721. 3T Federal is a properly registered and active Service Disabled Veteran Owned Small Business (SDVOSB) at <https://www.vip.vetbiz.gov/Default.aspx>.

NAICS Code is 325412 (Pharmaceutical Preparation Manufacturing) and Federal Supply Code is 6505 (Drugs and Biologicals).

The type of contract planned is a Firm Fixed Price Purchase Order.

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

Vendor shall deliver the following 1000MG Fish Oil (Super Omega 3 EPA 300/DHA 200 Mercury Free Formula) to VA Consolidated Mail Outpatient Pharmacy (CMOP) facilities:

Line Item Number	Description	Quantity	Unit	CMOP Location
1	1000MG Fish Oil (500MG DHA/EPA) NDC 50682-0119-01, 100 CT	15,000	BT	Leavenworth CMOP 5000 S. 13 th Street Leavenworth, KS 66048
2	1000MG Fish Oil (500MG DHA/EPA) NDC 50682-0119-01, 100 CT	12,000	BT	Chelmsford CMOP 10 Industrial Avenue Chelmsford, MA 01824
3	1000MG Fish Oil (500MG DHA/EPA) NDC 50682-0119-01, 100 CT	24,000	BT	Tucson CMOP 3675 East Britannia Drive Tucson, AZ 85706
4	1000MG Fish Oil (500MG DHA/EPA) NDC 50682-0119-01, 100 CT	21,000	BT	Murfreesboro CMOP – Elam Farms 3209 Elam Farms Parkway Murfreesboro, TN 37127
5	1000MG Fish Oil (500MG DHA/EPA) NDC 50682-0119-01, 100 CT	26,000	BT	Hines CMOP 5 th Avenue and Roosevelt Hines, IL 60141

6	1000MG Fish Oil (500MG DHA/EPA) NDC 50682- 0119-01, 100 CT	37,000	BT	Charleston CMOP 3725 Rivers Avenue, Suite 2 N. Charleston, SC 29405
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4. Statutory Authority Permitting Other than Full and Open Competition:

41 USC §3304(a)(5), as implemented by Federal Acquisition Regulation (FAR) 6.302-5: Authorized or required by statute and further delineated by FAR 6.302-5(b)(6): Sole source awards under the Veterans Benefit Act (15 USC 657f) of 2003.

Furthermore, pursuant to Veterans Affairs Acquisition Regulation (VAAR) 819.7007, the Contracting Officer has the authority to award contracts to SDVOSB on sole source basis provided that anticipated award price will not exceed \$5,000,000, requirement is synopsisized in accordance with FAR Part 5, the SDVOSB contractor has been determined to be a responsible contractor with respect to performance, and award can be made at fair and reasonable price.

The Contracting Officer has determined that Vendor is properly registered at <https://www.vip.vetbiz.gov>. The Contracting Officer has also determined that Vendor is responsible source per Determination of Responsibility document contained in Contract File. Finally, the estimated contract price of \$643,950 is within the limits for sole source award authority as specified in VAAR 819.7007. This J&A will be posted to www.fbo.gov and will meet the FAR Part 5 synopsis requirements.

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

Not Applicable; per VAAR 819.7007 (b), the Contracting Officer's determination whether to make a sole source award is a business decision wholly within the discretion of the Contracting Officer. A determination that only one SDVOSB concern is available to meet the requirement is not required per this regulation.

As background to this item needed, VA Pharmacy Benefits Management (PBM), which oversees in coordination with VA physicians, the clinical guidelines and formularies for issuing prescriptions and clinically appropriate Over the Counter (OTC) products has determined that clinically appropriate fish oil products must have an EPA and DHA content of 500mg combined. NDC 50682-0119-01 belongs exclusively to 3T Federal and 3T Federal does the contract manufacturing of its product. PBM has determined there are no commercially available products which meet these requirements other than 3T Federal.

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

As the Contracting Officer has the statutory authority to award a sole source to an SDVOSB, and as this item was needed timely to meet CMOP needs by 7-4-2017, there were no other efforts made to solicit offers from other sources.

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

The Contracting Officer will review proposed pricing of Contractor to ensure price fair and reasonableness in accordance with FAR 13.106-3 (a)(2), including comparison to the government cost estimate and historical contract pricing. Estimated cost is \$643,950.

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

As the Contracting Officer has the statutory authority to award a sole source to an SDVOSB, there were no other efforts to conduct market research at this time given CMOP needs to have these items timely. Market research will be conducted on future requirements if practicable based on this sole source not being suitable going forward.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

Not Applicable

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

Not Applicable

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:

At present, there is no anticipated need for competition beyond this one-time requirement.

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.

Peter Barrett, Supply Systems Analyst
National CMOP

Date

13. Approvals:

Contracting Officer:

I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Douglas H. Reed
Contracting Officer, NCO 15/CMOP Acquisitions

Date

Branch Chief (as authority delegated by Director of Contracting):

I certify the justification meets requirements for other than full and open competition.

Linda S. Bayer
Supervisory Contract Specialist, NCO 15/CMOP Acquisitions

06-19-2017

Date