

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA770-17-AP-0521

1. Contracting Activity:

Department of Veterans Affairs
Network 15 Contracting Office (NCO 15)
CMOP Division
3450 S. 4th St Trafficway
Leavenworth, KS 66048

Pharmaceutical Supplies purchase for:

VA CMOP* Leavenworth – 760
5000 S. 13th St.
Leavenworth, KS, 66048-5580
Attn: Diane.Nolting@va.gov

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

- J&A for Brand Specific Pharmaceutical Items
- The requirement is for stock replenishment of medical supplies as listed below. Prescribed for patients and filled by CMOP at a firm fixed price. This J&A is in conjunction with the 2237 to continue providing an uninterrupted supply of direct patient care items required by the Facility.

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

- Estimated cost: **\$0**

Item #	Description/Part Number*	Qty	Est. Price	Est. Total Price
10	THYROID 180MG TAB 100CT (T0050)	48	\$110.47	\$5,302.56
11	THYROID 15MG (1/4 GRAIN) TAB 100CT (T0750)	432	\$81.39	\$35,160.48
12	THYROID 30-32.5MG (1/2 GRAIN) TAB 100CT (T0751)	432	\$96.08	\$41,506.56

Table 1

Delivery Date: 08/14/2017

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

Brand Name justification does not permit Full and Open Competition.

- 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 site is not requesting purchase from any certain vendor. Multiple vendors offer this particular named brand item.
 - This is a brand name specific requirement.

- 6. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**
 - Thorough market research has been conducted and it has been found that either of the MiniMeds named in Table 1 is not found to be on VA NAC or GSA contract.
 - Several small businesses suggested by the end-user on the submitted Recommended Source List including VOSB and SDVOSB wholesalers/distributors may be able to provide these Med/Surg items listed on Table 1. This information is being obtained from the end-user and from previous procurements of similar items on this request, which were done by seeking competing vendors for the items listed on Table 1 on the open market.

- 7. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**
 - The Leavenworth CMOP anticipates the cost to the Government will be fair and reasonable based on recent prices paid by CMOP.
 - There will be competition between wholesalers/distributors for the requested items listed on table 1.

- 8. Any Other Facts Supporting the Use of Other than Full and Open Competition:**
 - After searching NAC & GSA, there are no available contracts for any of the items requested. A search of the Center for Veteran Enterprise Vendor Information Pages using the NAICS code 325412 revealed 40 SDVOSB or VOSB.
 - A query at the SBA Dynamic Search portal returned 447 possible small business vendors.
 - However, these vendors are not engaged in manufacture, but are distributors for large business wholesalers.
 - The Government is not allowed to do business using wholesale Trade or Retail Trade NAICS codes, searches must be conducted using the manufacture NAICS code of 325412.

- 9. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**
 - NOT APPLICABLE

- 10. 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:**
 - NOT APPLICABLE

- 11. Requirements Certification:**
 - At this time, the Physician has prescribed the above-mentioned items as brand specific and manufactured as it follows: Armour Thyroid— Manufactured by Forest Pharmaceuticals, Inc. However, the items specified in Table 1 can be provided by suppliers other than the Manufacturer. Within the VHA, any pharmaceutical items may be prescribed by physicians when, in their clinical judgment, the specified brand name pharmaceutical items will provide a

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: Request for Sole Source Justification Format >\$150K

better therapeutic outcome for patients. In this case, the brand specific pharmaceutical items are listed on Table 1.

- **Armour Thyroid** is the only brands that will meet the specific needs of the patients; however, we are still competing amongst distributors.

12. Approvals in accordance with the [VHAPM, Volume 6, Chapter VI: OFOC SOP](#).

- 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.

James D. Justus
Contract Specialist
CMOP Team 2

Date