

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA263-17-AP-7559

1. **Contracting Activity:** Department of Veterans Affairs, NCO 23, St. Cloud VA Health Care System, 4801 Veterans Drive, MN 56303. Organization Activity: Minneapolis VA Health Care System (MVAHCS), One Veterans Drive Minneapolis, MN 55417, 618-18-1-106-0005.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for a base plus 4 option years, sole source, firm fixed price Requirements Contract for the MVAHCS Laboratory for Becton Dickinson (BD) cytometry reagents 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.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The MVAHCS Special Hematology laboratory has a need for BD brand name Flow Cytometry reagents, quality control, calibrators and expendable supply items to perform clinical immunophenotyping testing for diagnostic and prognostic patient care on the MVAHCS owned BD FACS Canto analyzers. Reagent kits include: all antibodies, reagents and supplies required for panels currently in use at the Minneapolis VAHCS.

Period of Performance: Base plus 4 option years, Base period 10/1/2017 – 9/30/2018

IGCE: [REDACTED]

4. **Statutory Authority Permitting Other than Full and Open Competition:** The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(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 MVAHCS Special Hematology laboratory has a need for BD Flow Cytometry reagents, quality control, calibrators and expendable supply items. The required reagents and items need to be compatible with and validated for the MVAHCS' BD FACS Canto analyzers. Only BD reagents can be used with the MVAHC's Canto analyzers as no other manufacture's reagents are compatible with the current analyzers. Purchasing any reagents other would require replacing the Canto analyzers for compatibility. BD verified that these reagents are only available directly from them the manufacture. No other vendors are authorized to distribute the BD reagents and no other manufacturers reagents are compatible with and validated for the BD FACS Canto analyzers.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The VA reached out to the manufacture, BD, and they verified that there are no other authorized distributor of their reagents.
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 a comparison between the IGCE, the vendor's quote, historical pricing and any discounts provided to the VA.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** VetBiz was searched under NAICS code 325413 which produced 36 results. Becton Dickinson & Co was contacted and they verified that the clinical reagents are only available directly from them the manufacture via the open market, these items are not on a FSS or GSA contract. There are no other vendors that are authorized to distribute the BD reagents.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** NA
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** NA
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:** Market research will be conducted prior to future requirements to determine if there are any other vendors that can provide reagents that are compatible with the Minneapolis VA's BD FACS Canto analyzers.
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.
13. **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.
- 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.