

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval (J&A)**

**For**

**Other Than Full and Open Competition (>\$150K) (Brand Name Justification)**

**Acquisition Plan Action ID:** VA260-17-AP-7344

1. **Contracting Activity:** Department of Veterans Affairs, NCO 20, purchasing for the VA Puget Sound Health Care System, Station 663.
2. **Nature and/or Description of the Action Being Processed:** This document serves as a brand name justification for a Leica APERIO AT2 Scanner. This action will be firm fixed price.

This system uses patent-protected line scanning technology and required to establish an essential research capacity that, in part, fulfills the VAPSHCS VISN 20 MIRECC's Congressionally-mandated investigation of Post-traumatic stress disorder and its comorbidities. The 5-year total service contract length seeks to secure operational capacity by preventing loss of service coverage that may otherwise increase Government costs and produce unacceptable delays in fulfilling the agency's requirements.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The VISN 20 MIRECC is congressionally-mandated to investigate post-traumatic stress disorder (PTSD) and its complex comorbidities to include traumatic brain injury (TBI). These two complex brain disorders require the examination of brain tissue to identify and understand sources of dysfunction that underlie these afflictions. Due to the recent expansion of PTSD, TBI and related neurodegenerative disease research conducted at the VAPSHCS, VISN20 MIRECC requires a method of high-volume batch processing of de-identified clinical and preclinical research tissue (and other tissues) histology slides for documentation and subsequent analysis. Currently, the MIRECC, has the capacity or infrastructure to fill this critical gap. This requirement is for a versatile high-volume histology slidescanner system with data storage server that will perform and save high-resolution digital scans of histologically-stained slides.

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

- ☒ (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1(c)(1) (Brand Name Justification)
- ☐ (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;

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

In accordance with FAR 6.302-1(c)(1), Leica Biosystems is the only manufacturer capable of providing the supplies and services described in Section III above because they hold a patent on the technology.

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

The solicitation will be conducted under full and open competition. This will provide all certified resellers of the Leica AT2 system, who meet the stated criteria, with an opportunity to quote.

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

The Contracting Officer will compare the proposed price submitted by the offeror to the IGCE, and to the competitive offers received. In addition, the Contracting Officer will contact the vendor for additional pricing information such as historical prices paid by other customers for similar products to make a fair and reasonable determination.

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

Market research conducted by James Meabon, PhD and Brian Kraemer, PhD Deputy ACOS R&D, VAPSHCS between 2015-2017. Internet search, product and trade show attendance, scientific conference attendance, peer consultation was conducted during that period. No other similar or equivalent sources will meet the Government's requirements. This is a patented technology.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Leica and all authorized resellers who meet the established criteria will have an opportunity to bid on the solicitation.

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:**

There are no other current items at this time. The Leica At2 System is the only item that is acceptable to the government for the MIRECC research study.

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.



23 Aug 2017

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

James Meabon  
Research Health Scientist  
VISM 20 MIRECC, VAPSHCS, Station 663

Date

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.

\_\_\_\_\_  
Jacob Jackson  
Contract Officer, NCO 20

8/23/2017

\_\_\_\_\_  
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.

\_\_\_\_\_  
Stacia Nunn  
NCO 20 Division 2 Chief

\_\_\_\_\_  
Date