

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Brand Name Only Procurement**

**Acquisition Plan Action ID: VA258-17-AP-3020/649-18-1-422-0002**

1. **Contracting Activity:** Department of Veterans Affairs, Veterans Health Administration, Network Contracting Office 18 (NCO 18),

2. **Description of Action:**

The Northern Arizona VA Health Care System (NAVAHCS) located at 500 North Hwy 89, Prescott, Arizona 86313, has a continuing requirement to procure ALERE NORTH AMERICA, LLC. Alere Triage Reagents specialized disposable products for the specialized veteran care procedures NAVAHCS performs. These name brand disposables are the only products available in the commercial market place that can be used to perform the specialized procedures at NAVAHCS. This will be a firm-fixed price delivery order off an existing FSS contract with a base year plus four option years.

3. **Description of Supplies or Services**

The Northern Arizona VA Health Care System (NAVAHCS) requires the following ALERE NORTH AMERICA, LLC., patient procedure specific disposal supplies (i.e. Test Kits, reagents, etc.). The quantities listed in the procurement package are currently the Government's best estimate and may fluctuate based upon the number of future veteran procedures being completed. The laboratory department requires the following:

Triage Cardiac Triple Marker Panel  
Triage Troponin I Panel  
Triage BNP Panel  
Triage D-Dimer Panel  
Triage Total Control L1  
Triage Total Control L2  
Triage Total Calibration Verification 5

(b) **ESTIMATED DOLLAR VALUE: \$278,914.40** Supply Contract for base + four option years

(c) **REQUIRED DELIVERY DATE: October 1<sup>st</sup>, 2017**

4. **Statutory Authority:** The statutory authority permitting an exception to fair opportunity is FAR 6.302-1 Only One Responsible Source. No other brand will satisfy agency requirements.

5. **Rationale Supporting Use of Authority Cited Above:**

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This equipment is required for safe patient care. The supplies or services required at the level of quality required because the supplies or services are unique or highly specialized. Based on market research, Triage products are compatible with the existing NAVAHCS systems. Compatibility is critical to successful patient care. The existing inventory has been established at NAVAHCS for over five years. Continuity is essential for successful patient surgeries. Additionally, the specific Triage Products listed on the procurement package requirement are unique and specific to the procedures NAVAHCS providers complete to include training. Furthermore, NAVAHCS owns specific equipment on which providers have been trained that will only work with the specific products included in the procurement package.

**6. Brand Name Justification:**

This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer and two distributors. Alere North America Inc. is the only manufacturer, but Alere and Cardinal Health that are able to provide the test cartridges and consumables to perform chemistry testing on (2) NAVAHCS owned Alere Triage chemistry analyzers. The Alere Triage chemistry analyzer is a chemistry instrument used to perform diagnostic test on human plasma and whole blood for Troponin I, CKMB, Myoglobin, D-dimer and BNP for patient care. The test cartridges and consumables are required commodities for accurate testing results. The results of these tests provide essential information in a clinical setting, which assists physicians in formulating care plans for NAVAHCS patients. The analyzer is owned by NAVAHCS; however, for operation of the device tests cartridges and consumables are ordered directly from the vendor. The equipment will not function and could be rendered void of test validation, if any order brand name item were used.

**7. Efforts to Obtain Competition:**

This procurement will be competed as a "Brand Name Only" requirement. The requirement will be competed among all authorized Triage distributors.

**8. Actions to Increase Competition:**

The current barriers to competition are related to patient care, and the Government will continue market research efforts to find companies that have supply the exact item by brand name only. Two companies can meet the customer's need.

**9. Market Research:**

Market research was conducted to determine the availability of Triage products through distribution channels including SDVOSB/VOSB distributors. An RFI VA258-17-N-0528 was posted on FBO.gov from 08 Aug 2017 to 11 Aug 2017 and resulted in two responses. The results showed that the products required were available from the manufacturer Triage and they were also available through two authorized distributors ALERE NORTH AMERICA, LLC and CARDINAL HEALTH, INC. Based upon this market research and the fact that NAVAHCS owns equipment that is specific to the Triage product line and NAVAHCS personnel are trained to use this specific equipment and products for the

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highly specialized procedures these products are used for, at this time there is no other products commercially available that will meet the requirement.

ALERE NORTH AMERICA, LLC. maintains a national VA contracts; V797P-5076B

CARDINAL HEALTH, INC maintains a national VA contracts; V797P-4304B, V797P-2210D and GS-07F-5873R.

**10. Other Facts:**

None

**Technical and Requirements Certification:** I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

**Carnley**  
**, Eliza R.**  
Digitally signed by  
Carnley, Eliza R.  
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ou=InternalStaff,  
cn=Carnley, Eliza R.  
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Eliza Carnley MLS  
COR NAVAHCSS S&D Laboratory  
Northern Arizona VA Health Care System

\_\_\_\_\_  
Date

**11. Determination that Anticipated Cost is Fair and Reasonable:** A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable: The contracting officer will complete a detailed price analysis to determine the price fair and reasonable prior to award. This equipment is available through FSS in which the prices for supplies and services have already been proven fair and reasonable. Additional price analysis including comparing to published price lists, comparison with the IGE, and previous purchases will be accomplished prior to award.

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12. Contracting Officer's Certification (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Justin D. Hicks  
197983

Digitally signed by Justin D. Hicks 197983  
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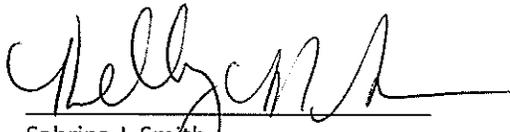
Justin D. Hicks  
Contracting Officer Team Lead  
Branch Supply 2  
NCO18 Phoenix

Date

13. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.

- a. Director of Contracting /Designee (Required over \$150K but not exceeding \$700K): I certify the justification meets requirements for other than full and open competition.

for



Sabrina J. Smith  
NCO 18 Director of Contracting  
NCO 18- Mesa

8-31-2017

Date