

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA246-17-AP-7009

Purchase Request/ 2237: N/A. Justification for an ID/IQ.

1. Contracting Activity:

Department of Veterans Affairs VISN 6
Hunter Holmes VA Medical Center
1201 Broad Rock Blvd
Richmond, VA 23249

Network Contracting Office 6
Hampton VA Medical Center
100 Emancipation Dr
Hampton, VA 23667

- 2. Nature and/or Description of the Action Being Processed:** This acquisition is a brand name only requirement for Dako Specialty Stain Kits for use at the Richmond VA Medical Center. The resulting contract action will be an Indefinite-Delivery Indefinite Quantity Contract with a base year and four, one year option periods. The resulting contract will be firm-fixed price.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for DAKO Specialty Stain Kits 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:

This acquisition is for Dako Specialty Stain Kits to include the following:

Artisan Iron Stain Kit, 50 tests per kit ; AR15892-2; Estimated quantity 6
Artisan Congo Red Stain Kit, 50 tests per kit ; AR16192-2; Estimated quantity 3
Artisan AFB Stain Kit, 50 tests per kit ; AR16292-2; Estimated quantity 3
Artisan Elastic Stain Kit, 50 tests per kit ; AR16392-2; Estimated quantity 1
Artisan PAS Stain Kit, 50 tests per kit ; AR16592-2; Estimated quantity 1
Artisan Mucicarmine Stain Kit, 50 tests per kit ; AR16892-2; Estimated quantity 3
Artisan Alpha Amylase Kit, 50 tests per kit ; AR171-92; Estimated quantity 1
Artisan PAS Green Special Stain Kit, 50 tests per kit ; AR17292-2; Estimated quantity 5
Artisan Trichrome Special Stain Kit, 50 tests per kit ; AR17392-2; Estimated quantity 5
Artisan GMS Special Stain Kit, 50 tests per kit ; AR17692-2; Estimated quantity 3
Artisan Retic Stain Kit, 50 tests per kit ; AR17992-2; Estimated quantity 3
Artisan Jones Stain Kit, 100 tests per kit ; AR18092-2; Estimated quantity 1
Artisan Warthin-Starry Stain Kit, 50 tests per kit ; AR18192-2; Estimated quantity 1
Artisan Jones Basement Membrane PAS-M H&E Stain Kit,100/kit ; AR48011-2;
Estimated quantity 2

Wash Solution, 50x ; AR30792-2; Estimated quantity 4

RIBBON ; S338130; Estimated quantity 4

Labels/500 ; S3393; Estimated quantity 2

Label kit with 500 x3, 1 ribbon, 1 pen ; DL213; Estimated quantity 2

Artisan Maintenance Kit ; AR31411-6; Estimated quantity 1

*Each estimated quantity is per year based on current and past years use, averaged, and could change on an annual basis.

*Each stain kit shall have a shelf-life upon delivery of at minimum 9 months.

The estimated value of this acquisition is _____ which includes a base year with four (4), one (1) year options.

4. Statutory Authority Permitting Other than Full and Open Competition: 41 USC §3304(a)(1), as implemented by FAR 6.302-1.

- (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- () (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;

FAR13.5 Simplified Procedures for Certain Commercial Items: 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 Richmond VA Medical Center owns a Dako Artisan Link Pro. This acquisition is for the specialty stain kits for use with the system. The equipment is highly specialized and is in-place at the Richmond VA Medical Center. The Dako Artisan Link Pro is only capable of utilizing Artisan stain kits. All of the kits and other supplies used by the Richmond VA Medical Center are listed in Section 3 "Description of Supplies/Services Required to Meet the Agency's Needs."

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

This action is being solicited via the Government Point of Entry (GPE), FBO using a brand name only acquisition strategy. The Dako Artisan Link Pro has a remaining useful life of approximately 8 years. At the end of the devices useful life it would be in the governments best interest to solicit without brand name restriction.

This is a brand name only acquisition and this justification shall be posted with the solicitation at the GPE, FBO.

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

The resulting contracting action shall be determined fair and reasonable prior to award. The Contracting Officer intends to utilize competition, comparison of proposed prices, market research, and comparison to the IGE to conduct a fair and reasonable price determination.

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

Market Research was performed by the Contracting Specialist (CS) utilizing the World Wide Web, Google, GSA, FPDS, SAM, VIP and teleconferences with subject matter experts and verbal communications with industry.

The Contracting Specialist spoke with the OEM, Agilent Technologies, which stated they do not have any resellers of these reagents. Based on an FPDS search, “artisan stain kit,” and conversation with Government Scientific Source, Inc. (GSS), GSS stated they are authorized resellers. GSS has multiple orders from DLA against ECAT Contract SPM2DE14D7350. The most recent being May 10, 2017. FPDS shows no recent awards from the VA since 2008 under the description.

IAW VAAR 810.001 the VIP Database was queried and shows 60 SD/VOSB’s with NAICS code 334516. There are 11 VOSB’s and 49 SDVOSB’s.

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

N/A

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

Agilent Technologies, Inc.

Government Scientific Source, Inc.

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:

The Dako Artisan Link Pro has a remaining useful life of approximately 8 years. At the end of the devices useful life it would be in the governments best interest to solicit without brand name restriction.