

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval

#### For

### Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 1, VAMC BHS, Boston, MA (MAVERIC/Research 151) 150 South Huntington Avenue Boston, MA 02130. The contracting activity is a request for Justification for Other Than Full and Open Competition.
2. **Nature and/or Description of the Action Being Processed:** This request is for the purchase of a service contract/agreement from TECAN for support on three Freedom EVO 200 machines.  
FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for maintenance and repair services 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 contractor shall provide all resources necessary to successfully maintain, service, troubleshoot, fix, and/or repair the blood processing robot. Services will include preventative maintenance, calibration, correction of errors and crashes, and any other issues requiring the attention of a field specialist or engineer. Estimated cost of the service agreement is \$323,044 for servicing three machines for five years, including options.
4. **Statutory Authority Permitting Other than Full and Open Competition:** FAR 6.302-1; Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.
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 Massachusetts Veterans Epidemiology Research and Information Center (MAVERIC) Core Laboratory processes and stores specimens for clinical trials run by the VA Cooperative Studies Program. The laboratory is involved in a large scale genomics project that will require processing of 1000 samples a day in addition to existing and ongoing processing for other Cooperative Studies Program projects. The requested service is necessary to guarantee appropriate sample processing capabilities, accurate and sufficient operation of

DNA purification, provide study stake-holders and analysis labs with high quality DNA, and to facilitate the processing of such a large volume of samples.

The requested service agreement for the Freedom EVO 200 will include the labor and the materials for adjustments, repairs and replacements of components as necessitated by normal use of the instrument, subsequent to certain actions on the part of the user. The machines running are absolutely necessary when we are expecting to process more than 1000 samples a day.

The aforementioned maintenance and servicing of the machine must be done by TECAN. First, the machines were purchased from, set up by TECAN. It would be of great risk to the integrity of the machines, our normal business operations, and the interests and finances of the VA if services were to be provided by any other vendor. Incomplete knowledge of the machine, insufficient repairs, and/or mistakes incurred as a result of contracting with a vendor other than TECAN may ultimately render the machines useless.

Second, other vendors will not be able to acquire or access appropriate software and codes, hardware, or parts to properly service and keep the system running. Substitution of aftermarket parts from a vendor other than TECAN may not only be insufficient, but also impossible.

This equipment and services are completely proprietary in nature. Tecan is the sole source service center for the Freedom EVO 200 machines. Only Tecan personnel are certified to perform services and preventive maintenance on the equipment. Tecan does not guarantee performance of an instrument if it is not authorized by Tecan personnel.

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

Confirmed that Tecan does not authorize third party service.

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

Prices are lower than prior service contract for identical services. Prices are also comparable to prices for similar service contracts for other medical equipment. Contractor is also providing a 20% discount from list price.

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

No other vendors were contacted for the reasons cited stated in the justification section. The MAVERIC Core Lab has been using the TECAN machine and protocols from the time of purchase and installation of this machine. As such, TECAN is the only vendor able to service, repair, inspect, or otherwise perform work on the machine.

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

In addition to the technical descriptions and justifications noted above, it is important to recognize these machines have been used to process samples for a very large scale and very high profile genomics study known as the Million Veteran Program (MVP). MVP is one of the transformative initiatives passed down by Secretary Shinseki for the VA to fulfill. Any impediments incurred while working on this project may result in profound repercussions for our service.

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

Te-Care Repair Contract  
TECAN US, Inc.  
9401 Globe Center Drive  
Suite 140  
Morrisville, NC 27560  
E. mail: [service.contracts@tecan.com](mailto:service.contracts@tecan.com)

**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 service and/or agency may be building a shadow lab at separate location in the future to perform similar processing. This would be a situation in which setting up separate processes and infrastructures at another location would allow the service and/or agency to consider more available options.

**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.

Geetha Sugumaran\_\_\_\_\_  
Name: Geetha Sugumaran  
Title: Research Helath Scientist/COR  
Facility VABHS

3/28/17\_\_\_\_\_  
Date

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

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

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\_\_\_\_\_

Name  
Contracting Officer

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.

\_\_\_\_\_  
Name  
NCO 1 Director of Contracting or Designee

Date

10/31/2017  
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