

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID: VA244-17-AP-3826**

**1. Contracting Activity:**

Department of Veterans Affairs, VISN 04, 00693 *Wilkes-Barre Medical Center*.  
2237# 693-17-2-050-0184

**2. Nature and/or Description of the Action Being Processed:**

This procurement is for automated testing analyzers and reagents for laboratory testing in Chemistry, Hematology, and Immunochemistry attached to the VA owned Power Express Laboratory Automation System (automation line) in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:**

Cost per patient reportable (CPPR) Indefinite Delivery, Indefinite Quantity (IDIQ): Requirements contract which would include placement, connection, calibration and maintenance of new analyzers for Chemistry, hematology, and Immunochemistry. The contract would also include consumable supplies to run the instruments such as reagents, parts, etc. Also included in the contract would be a service agreement to include repairs to the instruments and preventative maintenance. Replacement of printers would also be included at no additional charge. Payment for all the above would be based on the number of tests run each month.

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

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

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

Only One Responsible Source (FAR 6.302-1)- The automation line is proprietary to Beckman Coulter and will only perform at full capability when connected to Beckman Coulter testing devices.

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

None, as Wilkes-Barre owns the automation line to be used in conjunction with the analyzers and testing device machines (owned by Beckman) to work cohesively with one another to perform the required testing. We are sole sourcing because the automation lines are manufactured by and are proprietary to Beckman Coulter.

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

Wilkes-Barre VA Medical Center purchased the automation line in an effort to conform to lean processes. The Automation line will stream-line much of the work in the laboratory. However, the functions of the automation line that allow for the work to be streamlined will only work with the use of Beckman Coulter instrumentation. Duplication of costs to the Government is a large factor for this service contract. The automation line was purchased at a cost of \$1,561,371.23. Filling this need through competition would increase the cost to the Government by \$1.5M over 5 years.

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

Market Research was done as far as to see how much the automation line could be utilized with instruments from other vendors. Most of the capability of the automation line would not be utilized with other instruments as the automation cannot talk back and forth with instruments from other vendors. Therefore, to utilize the instrumentation that we already have, we need to have Beckman Coulter Instruments.

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

The automation line was \$1.56M and therefore should be utilized to its highest capacity which can only happen if we have Beckman Coulter instruments on the line.

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

None

**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 agency as a whole should stop purchasing laboratory automated lines. It makes much more business sense to include the line in the service contract, this places the maintenance and performance burden on the vendor, not the Government. This argument is moot in this case; we already have the automated line.

**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.

\_\_\_\_\_  
Sharon Ford  
Laboratory Manager  
Wilkes-Barre VA Medical Center

05/17/2017  
\_\_\_\_\_  
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.

\_\_\_\_\_  
Frederick C. Hilliard  
Contracting Officer  
Branch Chief, Services Team 3

05/18/2017  
\_\_\_\_\_  
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.

\_\_\_\_\_  
Benjamin P. Iachini  
NCO4, Director of Contracting

05/18/2017  
\_\_\_\_\_  
Date

- c. **VHA SAO HCA Review and Approval**: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$13.5 million) or approve (\$700K to 13.5 million) for other than full and open competition.

\_\_\_\_\_  
Joseph Maletta  
SAO East, Director

5/25/2017  
\_\_\_\_\_  
Date