

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: ___VA770-18-AP-0237

Contracting Activity: Department of Veterans Affairs
Network 15 Contracting Office
3450 South 13th Street
Leavenworth, KS 66048

The purchase request number is 766-18-2-400-0238
Items are to be delivered to the Charleston CMOP.

Nature and/or Description of the Action Being Processed: The Charleston-CMOP, 3725 Rivers Avenue, Suite 2, Charleston, NC 29405, Consolidated Mail Outpatient Pharmacy is requesting approval to purchase BRAND NAME specific NDC drug items. This is a new procurement and will be a firm fixed price contract.

Statutory Authority Permitting Other than Full and Open Competition.

GLUCOSE SENSOR DEXCOM G4

- NDC -008627004104 (NO SUBSTITUTES)
- Quantity and Description of request: 4per box GLUCOSE SENSOR DEXCOM G4
- Supplier: DEXCOM, INC.

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

Within the VHA brand name drugs may be prescribed by physicians when in their clinical judgment the brand name drug will provide a better therapeutic outcome for patients. Brand name drugs are requested when there is a clinical requirement for the drug. In this case, the brand specific drug name is requested on the list above.

Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: The requesting pharmacy indicated this medication could be obtained from this business:

Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable: :

The Charleston-CMOP anticipates the cost to the Government will be fair and reasonable.

Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market

Research Was Not Conducted: After searching NAC & GSA, there are no available contracts for any of the items requested. A search of the Center for Veteran Enterprise Vendor Information Pages indicates there are 77 SDVOSB or VOSB vendors which are engaged in the manufacture of pharmaceuticals. A query at the SBA Dynamic Search portal returned 949 possible small business vendors. However, these vendors are not engaged in manufacture, but are distributors for large business wholesalers. Because the Government is not allowed to do business using Wholesale Trade or Retail Trade NAICS codes, searches must be conducted using the manufacture NAICS code of 325413 In Vitro Diagnostic Substnace Manufacturing.

Any Other Facts Supporting the Use of Other than Full and Open Competition: N/A

Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: N/A

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: At this time, the physician has stated the above mentioned name brand drugs are the only brands that will meet the specific needs of the patients, however, we are still competing this amongst distributors.

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.

Glenda Dame

Glenda Dame
Inventory Management Specialist
Charleston-CMOP

01/07/2018

Date

Approvals in accordance with the [VHAPM Part 806.3 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.

Name Lori Nichols Fellows
Title Contracting Officer
Facility NCO 15 (CMOP)

Date

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Sole Source Justification Format >\$150K

- b. **One Level Above the Contracting Officer (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

Name James Justus
Supervisor (CMOP)
NCO 15 (CMOP)

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 \$68 million) or approve (\$700K to \$68 million) for other than full and open competition.

_____ Not Needed _____

Name
VHA Head of Contracting Activity (HCA)

Date

- d. **VHA Senior Procurement Executive Approval (over \$68 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

_____ Not Needed _____

Jan R. Frye
Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs

Date