

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA263-18-AP-2397

1. **Contracting Activity:** Department of Veterans Affairs, Network 23 Contracting Officer (NCO23), 4801 Veterans Drive, Saint Cloud, MN 56303.

2237 Number: 618-18-1-040-0057

2. **Nature and/or Description of the Action Being Processed:** A firm-fixed price contract for a FV300 Laser Scanning Confocal Microscopy system for the research department at the Minneapolis VA Health Care System.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** An Olympus Fluoview FV3000 Laser Scanning Confocal Microscopy System and related PC Components, Laser Combiner, Microscope Frame, EPI Light Source, Objectives and Optics, System Software, Table and Accessory Rack, Installation, and Trade-In Value.

Delivery of the equipment needs to occur during the period of March-May 2018.

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(5), 38 U.S. Code § 8127, as implemented by FAR 6.302-5 (Authorized or Required by Statute). COs may use the non-competitive (sole source) procedures authorized in VAAR 819.7007 or 819.7008 up to \$5,000,000. Check the specific VAAR clause used below:

- (X) 819.7007 Sole source awards to a verified service-disabled veteran-owned small business; or
- () 819.7008 Sole source awards to a verified veteran-owned small business

5. **Demonstration that the Contractor's Unique Qualifications and/or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The requested microscope will replace the existing FV3000 Microscope that is in place at the Minneapolis VA Health Care System. The existing FV3000 Confocal Microscopy is over 18 years old, and has been used to facilitate research for multiple research studies. In order continue with these ongoing studies, the new microscope needs to be consistent with the existing microscope, and allow for data transferring from the existing microscope. In addition, the new images need to be comparable to the existing images, thereby making research data already acquired relevant and comparable to new data anticipated with the new equipment. The addition of this Olympus microscopy system would allow for continuity in current cancer and related studies to continue without interruption of work flow. These studies for the last 18 years have been used this brand/model and will need to continue with Olympus's patented confocal super resolution imaging for continuity. A change in technology would make the existing data useless.

Alliant Healthcare Products is a verified Service-Disabled Veteran-Owned Small Business (SDVOSB), and is the only authorized SDVOSB distributor for Olympus America, Inc. Olympus America is the manufacturer of the FV3000 Laser Scanning Confocal Microscopy System. This requirement is being sole sourced to a SDVOSB as authorized by 38 U.S.C. 8127.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Olympus America, Inc. currently has one authorized Service Disabled Veteran Small Business distributor, Alliant Healthcare. Only this SDVOSB was reviewed, as the government is not willing to accept Grey Market Items. Sole sourcing to Alliant Healthcare is in the best interest of the government, as they are the only SDVOSB that can provide a microscope that will allow for the continuation of the existing studies. A source sought was not issued, as Olympus America, Inc., has already confirmed that they have only one authorized SDVOSB distributor, and there is not a reasonable expectation that a source sought would identify additional SDVOSB/VOSB sources.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** A determination by Contracting Officer that the anticipated cost to the Government will be fair and reasonable: Pricing will be compared to similar systems available on FSS contract to ensure fair and reasonable pricing.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market Research was conducted on the Vetbiz registry, using the Keyword "Olympus", and two results were returned. A letter was provided by Olympus America, Inc that states that, Alliant Healthcare is the sole authorized SDVOSB Distributor, and this verified with Olympus on 1/29/2018.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None.
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:** In the future, should another Conofocal Microscopy System be needed, the government will conduct market research, and if additional sources are found any future procurements will be through a competitive solicitation. The anticipated useful life of the new microscope is 10-15 years.