

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

Acquisition Plan Action ID: VA257-17-AP-6800

1. Agency: Department of Veterans Affairs

Contracting Activity: Network Contracting Office 17 (NCO-17)
5441 Babcock Rd., Ste. 302
San Antonio, TX 78240

Purchase Request #: 674-18-1-034-0005

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

NCO-17 intends to place an open market sole source order for the rental of a Bio-Rad BioPlex 2200 instrument, to include Antinuclear Antibodies (ANA) and Syphilis reagents and consumable supplies to Government Scientific Source, Inc. The proposed action will be awarded as a new firm-fixed-price contract action. Due to the shelf life of the reagents and some consumable supplies, the order will be placed as a standing order. Reagents and consumable items will be ordered on an as-needed basis throughout the order period of performance. The proposed contract action will include a base period of performance of six (6) months and will include two (2) three-month option periods (not to exceed one year).

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

The pathology laboratory at the Central Texas Veterans Health Care System (CTVHCS) requests the following items/services:

Instrument rental; Model: BioPlex 2200, Manufacturer: Bio-Rad;

Equipment service agreement for BioPlex 2200;

ANA Screen Reagent Pack for BioPlex 2200. Item No.: 665-1150, Mfr.: Bio-Rad;

Syphilis IgG Reagent Pack for BioPlex 2200. Item No.: 665-1450, Mfr.: Bio-Rad;

Reaction Vessels, Item No.: 660-2003; Biohazard Bag, Item No.: 660-0820;

Instrument Sheath Fluid, 4L, Item No.: 660-0817; Instrument Wash, 10L, Item No.: 660-0818;

Instrument Calibrator Pack, Item No.: 666-0001; Instrument Clean Pack, Item No.: 666-0002; Probe

Cleaning Solution, Item No.: 666-0003; ANA Screen Calibrator Set, Item No.: 663-1101;

ANA Screen Control Set, Item No.: 663-1131; Syphilis IgG Calibrator Set, Item No.: 663-1400; Syphilis

IgG Control Set, Item No.: 663-1430; Sodium Hydroxide 1.0 N, 1L, Item No.: 660-5778; ANA

Calibrator Disc Lot, Item No.: 663-1121; ANA Screen Control Set CD, Item No.: 663-1141; Syphilis

Calibration Set CD, Item No.: 663-1440; Syphilis Control Set CD, Item No.: 663-1440

Estimated Value: \$REDACTED\$

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;

- () (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;

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 request was upgraded to an urgent concern to avoid a lapse in service. Government Scientific Source, Inc. is uniquely positioned to continue performing the services; the instrument has not been removed from the CTVHCS facility. Issue of an order to Government Scientific Source, Inc. provides for a continuity of services until a new contract can be formed.

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

Limited market research performed for the requirement did not readily identify an alternative source that could provide the requested equipment rental.

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

In accordance with FAR 13.106-3(a)(2)(ii), a comparison of the proposed price with prices found reasonable on previous purchases, the Contracting Officer has determined that the prices proposed by Government Scientific Source, Inc. are fair and reasonable. A comparison of the prices on previous order VA257-14-F-0444 was conducted and the proposed prices are found to be similar.

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

Limited market research did not readily identify another vendor that offers the rental of the requested Bio-Rad BioPlex 2200 instrument. A search of the Procurement List of Services of the mandatory source for services, Ability One, identified that they do not offer the requested rental, services or items. A search of GSA Advantage revealed that Government Scientific Source offers equipment on their Federal Supply Schedule (FSS); however, they do not offer the requested ANA and Syphilis reagents or controls through the FSS. A search of GSA Advantage through services did not identify another vendor that offers the requested instrument rental. A search of the Office of Small & Disadvantaged Business Utilization's (OSDBU) Vendor Information Pages (VIP) did not identify a Service-Disabled Veteran-Owned Small Business, or Veteran-Owned Small Business that offers the requested rental of equipment. A search using the Small Business Administration's (SBA) Dynamic Small Business Search (DBSB) did not identify a vendor that offers the requested rental services. An internet search did not identify an alternate vendor that offers the requested rental services.

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

The requesting activity indicates the BioPlex 2200 will be phased out in the near future. The cost of a purchase could not be supported at this time. The proposed short-term order will allow the CTVHCS the time needed to plan for the purchase of a new instrument.

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 CTVHCS pathology laboratory will conduct market research on future requirements to determine if changes have taken place in the marketplace.

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.

//Signed//

Signature REDACTED
Pathology and Laboratory Medicine Service
Central Texas Veterans Health Care System

1/23/2018

Date

13. 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.

//Signed//

REDACTED
Contracting Officer

2/8/18

Date

- 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.

//Signed//

REDACTED
Chief, Division I
Network Contracting Office 17, SAO-W

2/13/2018