

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA256-18-AP-4455

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 16, VISN 16, Veterans Health Care System of the Ozarks.

Purchase Request (2237) Number: 564-18-2-1099-0029.

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

This is a request for the procurement of NIKON Brand Name microscopes for by the Veterans Health Care System of the Ozarks, 1100 North College Avenue, Fayetteville, AR. The Veterans Health Care System of the Ozarks, 1100 North College Avenue, Fayetteville, AR is seeking to purchase a total of four (4) NIKON Brand Name Upright microscopes; 2 Hematology microscopes and 2 Urinalysis microscopes for its Springfield and Joplin, MO Community Based Outpatient Clinics.

The VA intends to award a one-time firm fixed price purchase order to meet its requirement.

The estimated cost for this procurement is \$24,347.00.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Veterans Health Care System of the Ozarks is activating two new Community Based Outpatient Clinics in Springfield and Joplin, MO. This will require the purchase of microscopes for use in the Laboratory Service at the CBOCs. The follow supplies are required

Line Item	Description	Quantity
0001	Ci-L Ergo PKG - Ci-L Stand, 6x Nosepiece, Ergo Binoc, 10x/22 Eyepieces. H Ceramic Stage w/1S Holder, Cover – to include: DELIVERY, SET UP AND TRAINING PN MBA950LP JOPLIN CBOC	2
0002	Abbe Condenser, 0.90na (4-100X) W.D.1.9mm (White Top)— PN MBL71105 JOPLIN CBOC	2
0003	CFI Plan 10X A/.25 10.5mm WD – PN MRL00102. JOPLIN CBOC	2

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

0004	CFI Plan 40X A/.65 0.56mm WD – PN MRL00402 JOPLIN CBOC	2
0005	CFI Plan 50X/.90 Oil 0.35mm WD PN MRL01502 JOPLIN CBOC	1
0006	CFI Plan 100X A/1.25 Oil 0.20mm WD PN MRL01903 JOPLIN CBOC	1
0007	POWER CORD PN 79035 JOPLIN CBOC	2
0008	Ci-L Ergo PKG - Ci-L Stand, 6x Nosepiece, Ergo Binoc,10x/22 Eyepieces. H Ceramic Stage w/1S Holder, Cover – to include: DELIVERY, SET UP AND TRAINING PN MBA950LP SPRINGFIELD CBOC	2
0009	Abbe Condenser, 0.90na (4-100X) W.D.1.9mm (White Top)— PN MBL71105 SPRINGFIELD CBOC	2
0010	CFI Plan 10X A/.25 10.5mm WD – PN MRL00102. SPRINGFIELD CBOC	2
0011	CFI Plan 40X A/.65 0.56mm WD – PN MRL00402 SPRINGFIELD CBOC	2
0012	CFI Plan 50X/.90 Oil 0.35mm WD PN MRL01502 SPRINGFIELD CBOC	1
0013	CFI Plan 100X A/1.25 Oil 0.20mm WD PN MRL01903 SPRINGFIELD CBOC	2
0014	POWER CORD PN 79035 SPRINGFIELD CBOC	2

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

- (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):

This acquisition is for NIKON **brand name products**. The use of NIKON brand descriptions in the acquisition is essential to the Government's requirements, thereby precluding consideration of a product manufactured by another company.

The requested Nikon microscopes are the only units that provide a separate control module for the imaging equipment included with the microscopes that can function independently without being attached a computer. These microscopes fall in the size needed and Nikon optics are superior to others on the market. Superior optics are important for accurate diagnosis. Also, Nikon parts are interchangeable and any parts on hand can be used in the future as need arises. Other vendor optics will not fit Nikon microscopes and Nikon optics will not fit other microscopes.

The procurement of brand name products will provide consistency in the microscope use and functions. Nikon brand name microscopes are needed for compatibility and program integrity. If other brands are purchased, new procedures would need to be written, maintained and additional training would need to be implemented. The procurement of another brand would also cause a lack of continuity between the main facility and CBOCs and the inability to interchange oculars and cameras between sites.

The Ci-L incorporates a high-intensity LED optical system that is IR-free, significantly minimizing eyestrain for users spending long hours at the microscope. LED illumination also offers very low power consumption and heat generation and eliminates color temperature changes that occur with halogen light sources.

The NIKON's Eclipse Ci Series offers an unmatched patented in-line focusing where the stage handle and focus controls are positioned in-line for maximum ergonomics. This enables you to sit square and straight during operation with wrists resting comfortably on the countertop.

Accordingly, Nikon Instruments Inc is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements.

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

A search on the VIP portal indicated two or more VOSBs may be capable of meeting the VA's requirement.

A Combined Synopsis/Solicitation Number 36C25618Q0403 was posted to FBO with a VOSB set aside. No response was received from VOSBs. Two small businesses responded with interest in providing products manufactured by other companies.

Although competition is being restricted to brand name only, the RFQ will be posted to FBO for any distributors of this brand name item to provide a quote.

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

The Contracting Officer will compare prices received from distributors with other published prices to ensure prices are fair and reasonable. Competition between multiple contractors should provide for more competitive prices.

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

Market Research Was Not Conducted: In an effort to meet the VA Rule of Two, the CO reviewed the Vendor Information Pages (VIP) database in accordance with VAAR Class Deviation 810.001-70 to determine if two or more service-disabled veteran-owned businesses (SDVOSBs) and veteran-owned small businesses (VOSBs), in the appropriate NAICS code, that were listed as verified in the VIP database.

As described in Section 6 above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition, advising industry of the pending acquisition and soliciting inquiries from interested parties.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: A statement from NIKON Instruments, Inc. indicates that NIKON is has authorized dealers that are small businesses and can offer the systems required.

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

NIKON Instruments, Inc. (LB)
1300 Walt Whitman Road
Melville, NY 11747

Meyer Instruments, Inc. (SB)
4202 Bear Lodge Court
Houston, TX 77084

Visual Dynamix, LLC (SB)
1734 Clarkson Rd, Ste 322
Chesterfield, MO 63017

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:

No actions are planned at this time to remove or overcome any barriers to competition because it has been determined that NIKON is the only manufacturer of the microscopes that will meet the VA needs.

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.

Susan Fetzer-Bova
Laboratory Information Manager/Ancillary Testing Coordinator
Veterans Health Care System of the Ozarks.

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.

Arlene A. Blade
Contracting Officer
Network Contracting Office 16

Date