

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

Acquisition Plan Action ID: VA257-18-AP-2083

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 #: 671-18-2-121-0530

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

NCO-17 intends to enter into an open market sole source contract for equipment maintenance services of government owned equipment with Roche Diagnostics Corporation. The proposed contract action will be awarded as a new firm-fixed-price contract action. The proposed contract action will include a base period of performance of one (1) year and include four (4) option periods.

FAR13.5 Simplified Procedures for Certain Commercial Items:

This procurement is for commercially available laboratory equipment maintenance services; in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

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

The pathology laboratory at the South Texas Veterans Health Care System (STVHCS) requests the following equipment maintenance services:

Contractor shall provide on-site "Classic" service for government owned Roche Diagnostics brand-named equipment; COBAS X480, COBAS Z480, AmpliPrep and Taqman 96. Services include unlimited service visits 8:00 AM to 5:00 PM, Monday thru Friday, excluding holidays; customer support by telephone, 24/7/365; all necessary warranted repair parts, travel and labor; labor and preventative maintenance kits for preventative maintenance visit(s); response for emergency repairs within 24 hours, Monday thru Friday; and remote access connectivity for problem identification, training and monitoring.

Estimated amount: **REDACTED**

4. Statutory Authority Permitting Other than Full and Open Competition: 41 USC §3304(a)(1), as implemented by FAR 6.302-1.

(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;

FAR13.5 Simplified Procedures for Certain Commercial Items:

The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

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

Due to the proprietary nature of the equipment and software, Roche Diagnostics Corporation is the only provider that can perform the requested maintenance services. Roche Diagnostics does not use third party activities to service their brand-named equipment.

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

A special notice, notice of intent to award a sole source procurement, was posted with the services requirements on FBO under RFI 36C25718Q9146 on 1/5/2018. The notice stated no contract will be awarded based on offers received in response to the notice; however, offers received may be used to determine if a comparable source is available and advantageous to the government. The special notice archived in FBO on 1/21/2018 with no responses to the notice.

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 prices with prices found reasonable on previous purchases, the Contracting Officer anticipates the cost to the government to be fair and reasonable. An analysis of the proposed prices will be compared to the prices paid on order VA257-16-J-0033.

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

A search of the mandatory source of procurements for services, Ability One, revealed they do not offer the requested services. A search of GSA Advantage revealed that Roche Diagnostics provides rentals and services their rental equipment under VA NAC cost-per-test agreements; however, the requested services are for government-owned equipment. The GSA Advantage search did not identify any other vendors that provide the requested maintenance services. A search in OSDBU's VIP did not identify any SDVOSB or VOSBs that can perform the requested services. A search in the SBA DSBS with NAICS 811219 and keyword "Roche" identified one (1) match. Correspondence with

the SB vendor stated he could perform on-site preventative maintenance services; however, the concern for providing full maintenance services was not readily responded to.

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

The government's Roche brand-named equipment is used for automated testing of HIV and HCV. The consideration of the purchase of another testing instrument for any cost savings to the cost of services would be cost prohibitive.

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:

Market research indicates that no other firm can provide the requested equipment maintenance services. There are actions that can be done to overcome competition barriers. Market research will be conducted on future requirements to determine if changes have been made 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
Laboratory Manager
Pathology and Laboratory Medicine Service
South Texas Veterans Health Care System

03/12/2018
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

3/23/2018
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.

//SIGNED//

REDACTED

Chief, Division I

Network Contracting Office 17, SAO-W

3/26/2018

Date