

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

Other Than Full and Open Competition (>\$150K)

Acquisition Plan Action ID: VA252-18-AP-4409

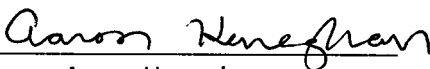
1. **Contracting Activity:** Department of Veterans Affairs, VISN 12, Madison VA Medical Center, Research Department. Great Lakes Acquisition Center (GLAC), NCO 12. 2237# 607-18-2-7175-0327, total contract value is \$330,103.00.

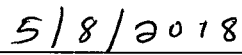
Nature and/or Description of the Action Being Processed: This is a sole source justification to establish a firm-fixed price contract with Life Technologies Corporation for the purchase of a Laser Capture Microdissection (LCM) system with an inclusive base year and 4 option years of maintenance for the William S. Middleton Memorial VA Hospital, Madison, WI for Research Department.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for ArcturusXT Laser Capture Microdissection (LCM) system 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.

2. **Description of Supplies/Services Required to Meet the Agency's Needs:** The ArcturusXT Laser Capture Microdissection (LCM) system is the only commercial provider of the IR laser technology and dual laser system.
3. **Statutory Authority Permitting Other than Full and Open Competition:** The authority for 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).
4. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The Arcturus LCM scope has both an IR and a UV laser which enables the greatest flexibility in application breath, ranging from single-cell isolation to large specimen extractions. The key feature of the IR laser is that it minimizes damage to the surrounding tissue as well as to the tissue that is cut. In doing so, it allows for higher quality biomolecules to be extracted so that more assays specifically more sensitive assays can be performed within a given sample. The assays performed on the sample are also more reliable and reproducible. This is the method of choice for tissue samples that are very small and valuable. The combined UV laser adds speed and precision and is well-suited for micro dissecting dense tissue structures and for rapidly capturing large numbers of cells. The dual laser approach allows for post capture editing and the flexibility to work with variety substrates including: plain glass slides, petri dishes and specialized membrane slides.

5. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Based on the information found through market research, no additional sources will be sought. We are looking to purchase this equipment from the original manufacturer.
6. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** CO requested contractor to provide their most favorable commercial price to the Government as well as provide their published price list. The manufacturer stated this is their lowest commercial price. The Contracting Officer could not find where this system has been previously purchased by any other Government Agency due to its recent availability. The contractor stated they had sold a demo/refurnished unit to the NIH in 2017, but not the unit we are requesting. The CO has determined based on this information and the need of this system, available data on previous like systems in the market, and the facilities knowledge or the items cost, the anticipated cost to the Government is fair and reasonable.
7. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** A search of VETBIZ, using NAICS code 334516 and search term "Microscope" provided no results. A google search of "Laser capture microdissection (LCM) system" provided me a website that compared three (3) similar devices. This site provided a brief description of each. A print screen of the information is included in the contract files market research. This additional information substantiated the single source nature of the requirement. "The ArcturusXT is the first and only open-architecture microdissection instrument to combine UV laser cutting with IR laser capture, providing unmatched research flexibility." After reviewing the quote from Life Technologies Corp, a search on GSA Advantage was executed. Life Technologies was found to not to have a schedule contract.
8. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None.
9. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None.
10. **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:** None.
11. **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.
(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)


Name Aaron Heneghan
Title Administrative Officer, Research Service
Facility Wm. S. Middleton Memorial VA Hospital


Date

12. **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.

Teresa Beers-Wesolowski
Contracting Officer
GLAC

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.

David J. Picchi
NCO 12, Branch Chief Supply
GLAC

Date