

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>SAT)
Brand Name: Hologic Reagents and Supplies**

Acquisition Plan Action ID: VA259-18-AP-6704

- 1. Contracting Activity:** SAO West, Network Contracting Office 19 (NCO 19), Rocky Mountain Acquisition Center, 6162 South Willow Drive, Suite 300, Greenwood Village, CO 80111

In support of:
Rocky Mountain Regional VA Medical Center
Pathology and Laboratory Medicine Service
1700 Wheeling Street
Aurora, CO 80045
PR 2237: 554-8-4-023-0432

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

This is the application of a brand name justification of products by a specific manufacturer which does not provide for full and open competition. The Hologic brand name products are vital for the testing in support of patients' health. This acquisition will be a new, firm-fixed price Blanket Purchase Agreement (BPA) for Rocky Mountain Regional VA Medical Center.

Estimated cost: \$337,400.00 5 years

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

Rocky Mountain Regional VA Medical Center request for the acquisition of reagents and supplies required to perform the following molecular testing on the Hologic Panther Analyzer within the Pathology and Laboratory Medicine Service.

- 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 Government purchased the Cat. 303094 Panther Analyzer for the Rocky Mountain Regional VA Medical Center. The Hologic Panther reagents requested are specific to the operation of the Hologic Panther Analyzer. This requirement cannot be substituted by alternate products as the Panther Analyzer will only function with Hologic Panther reagents.

Hologic is the only authorized distributor of Hologic Panther reagents. The reagents and supplies being requested are specific to the operation of the Hologic brand processors. These reagents and supplies cannot be substituted by like items as it may cause errors and results in damage to the equipment. Hologic is the only authorized distributor of Hologic ThinPrep supplies. The use of other brands will void the warranty of the Panther Analyzer. Sole source letter from Hologic has been provided.

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

After consultation with the instrument manufacturer (Hologic) and subject matter experts, it was concluded that Hologic is the only authorized manufacturer and distributor of the supplies required to operate the Panther Analyzer.

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

Hologic has published catalog prices that they sell to the public. The Government will negotiate for discount as this requirement will be buying in volumes. Hologic published prices are considered to be fair and reasonable based on that they are the same price offered to the public.

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

Formal Market Research was not conducted to include the "Rule of Two" process because only one source can provide the supplies to run the analyzer.

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:

On an annual basis, Rocky Mountain Regional VA Medical Center Laboratory staff will conduct market research to assess if alternative brands may be utilized, if substitute products become available that do not pose a risk to the integrity of laboratory equipment, contracting will be consulted and competitive solicitations will be considered.

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.

Kevin Ibershoff
Contracts Manager
Pathology and Laboratory Medical Center

05/29/2018

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.

Bai Perney
Contracting Officer
NCO 19

5/29/2018

Date

- b. **One Level Above the Contracting Officer (Required over SAT but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

Albert Williams
Chief, Division I
NCO 19

6/8/2018

Date