

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>SAT)**

Acquisition Plan Action ID: VA246-18-AP-11147

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 6, for the Durham VA Medical Center plans to contract by means other than full and open competition in response to procurement request 558-19-1-044-0001.
- 2. Nature and/or Description of the Action Being Processed:** This procurement is 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. This procurement request is for a fully automated blood culture instrument through a cost-per-test arrangement for the Durham VA Medical Center. This requirement has a FSC of 6640 and a NAICS code of 334516.
- 3. Description of Supplies/Services Required to Meet the Agency's Needs:** The Durham VAMC has a requirement for fully automated blood culture instrumentation. The instrument detects bacteria and fungi in blood to rapidly detect and identify pathogens to treat bloodstream infections. Bloodstream infections remain the leading cause of death and are associated with high mortality and morbidity. Early intervention and initiation of appropriate treatment have been shown to improve patient outcomes. The instrument cost-per-test is based on patient volume and is estimated to cost \$100,440.00 per year. Since this is a recurring requirement, a 5-year cost-per-test contract is being planned which would have a value of [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 Laboratory service line at the Durham VA Medical Center has a need to test patient's blood for bacteria and fungi to detect

bloodstream infections. Because of the medical center's high patient volume, a fully automated blood culture instrument is required. Biomerieux, Inc. is the only vendor that can currently provide a fully automated blood culture system.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research was conducted on GSA Advantage, VIP website, and FedBizOpps. GSA Advantage was searched and only blood culture kits and media bottles were found but not fully automated instruments. VIP website (www.vetbiz.gov) was searched using NAICS code 334516 and keyword "blood culture". Two companies were found and emails were sent to each to inquire if they could provide. Sources Sought Notice 36C24618Q9696 was posted on FedBizOpps for 7 days (8/16 through 8/23/18). The only response received was from Biomerieux, Inc.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The instrument cost-per-test for this procurement is [REDACTED] with an estimated annual cost of [REDACTED] (5-year contract value: [REDACTED]). This cost includes instrumentation, reagents, disposables, enhanced service plan, and training. Instrument and disposables are shipped with freight and handling paid by the vendor, and the service plan covers 24/7 telephone support, and 7:00AM- 7:00PM 7 days a week for labor, travel, expenses, and parts for an unlimited number of support calls, and on-demand service visits. Fair and reasonable pricing is being determined based on comparison of proposed prices with prices found reasonable on previous purchases per FAR 13.106-3(a)(2)(ii). Contract 36C25918A0037 was recently awarded by Mr. Edward Marshburn for VIRTUO cost-per-Test for the Rocky Mountain Regional VA Medical Center (VISN 19). Their Cost-per-test was awarded at [REDACTED]. Therefore, anticipated cost to the government for this procurement has been found to be fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** As described in Section 6 above, market research, in accordance with FAR Part 10, was conducted by searches to GSA Advantage and VIP websites. Sources Sought Notice 36C24618Q9696 was also posted on FedBizOpps soliciting inquiries from interested parties.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** There are no other facts other than those already stated.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See section 6 above.
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:** There are no actions to be taken to overcome barriers to competition.

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Sole Source Justification >SAT

- 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.

_____ Frances D. Smith Asst. Chief Medical Technologist/ LIM, VHA Durham VAMC	_____ 8/28/2018 Date
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13. Approvals in accordance with the VHAPM Part 806.3 OFOC SOP:

- a. **Contracting Officer Certification:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

_____ Dori Dabbs Contracting Officer NCO 6	_____ 8/28/2018 Date
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- 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.

_____ Keeshia Newman Chief- Supply Team 1 NCO 6	_____ Date
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