

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

Acquisition Plan Action ID: _____ 36C770-18-AP-0333 _____

1. **Contracting Activity:** Consolidated Mail Outpatient Pharmacy Leavenworth, KS the Department of Veterans Affairs Network 15 Contracting Office (NCO), 3450 S. 4th St Trafficway, Leavenworth, KS 66048 is the contracting agency . Supplies will be purchased for the CMOP Leavenworth location at 5000 S. 13th St Leavenworth, KS 66048.

2. **Nature and/or Description of the Action Being Processed:** This is a Justification and Approval request for the use of other than full and open competition. The requirement is for stock replenishment of medical supplies prescribed for patients and filled by CMOP at a firm fixed price. The purpose of this J&A request is to provide for the continued uninterrupted supply of direct patient care items required by the Facility.

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

5	LANCET,ACCU-CHEK MULTICLIX DRUM	960
6	BREATHE RIGHT NASAL STRIPS LARGE	600
7	LANCET,ONE TOUCH DELICA	2640
8	BREATHE RIGHT NASAL STRIPS SM/MED	192
9	LANCET,ONE TOUCH ULTRA SOFT	2040
10	ONE TOUCH ULTRA (GLUCOSE) TEST STRIP	8400

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)

The product is being requested to fill prescriptions where the provider specifically requested this brand for the veteran. Prescriptions are entered as DAW or Dispense as Written meaning the pharmacy is not allowed to substitute any other brand for the prescription but can only fill the prescription with the brand that was ordered by the doctor. The site is not requesting purchase from any certain vendor. Multiple vendors offer these items.

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

7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable: The IGCE contains the estimated cost to the government and serves as the recognition of F&R.

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

Market Research Was Not Conducted: Market research was done to determine there were no contract sources for procurement. Market research was conducted through Vet Biz and DSBS under NAICS 325413. Because the Government is not allowed to do business using Wholesale Trade or Retail Trade NAICS codes, searches must be conducted using the manufacturer NAICS code 325413 (In-Vitro Diagnostic Substance Manufacturing). Despite these results, there are no known SDVOSB, VOSB, or small business organizations that manufacture the items required for this procurement. Due to the SBA NMR, as defined in FAR Part 19 and 13 Code of Federal Regulations (CFR) 121.406, an SDVOSB/VOSB/SB set aside of any kind is not feasible as there is no waiver of the Non-Manufacturer Rule from the SBA over the SAT for NAICS code 325413. A request for an individual NMR waiver will take approximately 15 business days to process IAW <https://www.sba.gov/contracting/contracting-officials/non-manufacturer-rule/non-manufacturer-waivers>. CMOPs are required to fill a prescription within 5 days or the prescription must be returned to the Medical Center for filling.