

VHAPM Part 808.405-6 Limiting Sources
Attachment 2: Request for Limited Sources Justification Format >SAT

LIMITED SOURCES JUSTIFICATION

ORDER >SAT

FAR PART 8.405-6

Acquisition Plan Action ID: 36C263-18-AP-0074

- 1. Contracting Activity:** US Department of Veterans Affairs, NCO 23, 4801 Veterans Drive, St. Cloud Minnesota 56303-2099. **Ordering Activity:** US Department of Veterans Affairs, One Veterans Drive, Minneapolis Minnesota, 55417.

2237 Number: 618-19-1-106-0008

- 2. Description of Action:** This acquisition is conducted under the authority of the Multiple-Award Schedule Program (41 U.S.C. 251 and 40 U.S.C. 501). *Describe the action being reviewed and approved and state whether the action will be awarded as New Requirement Follow-on Order Mod to Existing Order Number (insert task/deliver order number)*
Order against: ☒ **FSS Contract Number:** V797D-30175

Name of Proposed Contractor: Siemens Healthcare Diagnostics Inc

Street Address: 115 Norwood Park South

City, State, Zip: Norwood MA 01062-4633

Phone: 714-655-3235

3. Description of Supplies or Services:

The estimated value of the proposed action is a three-month period of performance. Vendor shall provide Chemistry/Immunochemistry Analyzer cost per reportable result (CPRR)/cost per test (CPT) testing under FSS Schedule V797D-30175. Vendor is required to provide each participating facility with an FDA approved chemistry/immunochemistry testing system to include the following capabilities: Equipment must meet the test menu requirements of the using facility. Contractor must supply all instrumentation, reagents, controls, calibrators and replacement parts with service to perform testing at VISN 23 laboratories in Minneapolis, Fargo, Ft. Meade, Hot Springs, Omaha, Lincoln, Grand Island, Sioux Falls, Twin Ports, and St. Cloud.

Period of Performance: 10/01/18 – 12/31/2018

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(4) IDENTIFY THE AUTHORITY AND SUPPORTING RATIONALE (see 8.405-6(a)(1)(i)(A), (B), and (C) or 8.405-6(b)), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.

☐ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

☒ Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized;

☐ In the interest of economy and efficiency, the new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

☒ Items peculiar to one manufacturer:

☐ A patent, copyright or proprietary data limits competition. The proprietary data is: (If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

☐ These are "direct replacements" parts/components for existing equipment.

☒ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

VISN 23 is requesting a three-month continuation of current equipment to allow contract award and equipment crossover per Regulatory Agency requirement. VISN 23 laboratories in Minneapolis, Ft. Meade, Hot Springs, Fargo, Grand Island, Lincoln, Omaha, Sioux Falls, Twin Ports, and St. Cloud have Siemens Healthcare Diagnostics Instrumentation systems placed almost five years ago and have been using these analyzers along with their products/reagents to perform Chemistry/Immunochemistry testing for our VISN 23 veterans. Additionally, the process to change laboratory equipment is highly regulated by Joint Commission, College of American Pathologist, Food and Drug Administration, and CLIA. The process is extremely specific and failure to follow regulations will result in licensure revocation. Failure to perform chemistry testing/immunochemistry testing will result in significant patient delays that may impact mortality. These analyzers perform STAT testing, such as cardiac testing, that when delayed, impact patient treatment.

(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.404(d) TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

The order represents the best value to the Government as award will be made from a GSA-FSS contract V797P-30175 which includes fair and reasonable prices that have previously been negotiated. Further price discounts will be requested.

(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

GSA, FBO, SBDS, VETBIZ, SAM, FCO, FPDS were all searched. VETBIZ was searched using NAICS and keyword searches. No SDVOSB or VOSB vendors were identified that could complete this procurement. Based upon this information it is recommended that a sole source procurement be set up so Siemens Healthcare Diagnostics Inc can continue to provide services needed to Veterans and their families. The lab needs this continuation of service to allow time for a new FSS-BPA to be completed. The scope and complexity of the requirements along with the technical qualification of the schedule holders needed for the CPRR procurement calls for a sole source. A sole source to Siemens Healthcare Diagnostics Inc to continue the services and tests on FSS V797P-30175 is needed for another three (3) months. The equipment from Siemens Healthcare Diagnostics Inc is already set up at the existing sites. By sole sourcing to them there will be no break in service and thus will keep the labs up and running. A new solicitation, VA263-16-Q-0137, has already been posted to GSA eBuy to provide a long-term solution.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

This sole source acquisition is to continue the Lab CPRR supplies and service provided by Siemens Healthcare Diagnostics Inc previously under FSS-BPA VA263-BP-0143. This proposed order will bridge the existing contract to a new competitively awarded contract being solicited over a period of a three-month period of performance and will prevent an adverse impact on the mission of the agency, which would occur with the interruption of the work presently performed. The statement of work under the bridge order is the same as under the expired BPA to facilitate continuity.

(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

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(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

Minneapolis VA HCS-Minneapolis Minnesota

(10) APPROVALS IN ACCORDANCE WITH THE VHAPM Part 806.3 OFOC SOP:

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

NCO23-Commodities
St. Cloud Minnesota

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

7/21/15