

## JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION DUE TO SOLE SOURCE REQUIREMENT

REQUIRED INFORMATION	
1.	FACILITY NUMBER-NAME- CITY, STATE: <i>437-Fargo VA Health Care System-Fargo, ND</i>
2.	VISN OR PROGRAM ACTIVITY: <i>23</i>
3.	POC NAME AND TELEPHONE NUMBER: <i>Tim Joachim 701-239-3700 ext.3186</i>
4.	PROPOSED ACTION: Sole Source Procurement of <i>SERVICE</i>
5.	<p>DESCRIPTION OF REQUIREMENT: The Fargo VA Healthcare System Contracting Office in Fargo, ND intends to secure Reference Laboratory Testing services for the Fargo VA Healthcare Center Laboratory. Services shall include all required labor, equipment, supplies, and shipping/courier services as needed to meet the requirements per the attached Schedule of Items and Statement of Work. Contractor shall provide laboratory testing services to include: List of tests with reference ranges as applicable, specimen requirements, pick up and transport of specimens from VAMC to contractor's laboratory; processing and analysis of the specimen; and reporting of results electronically or via fax. Consultation regarding selection, collection, transportation and result interpretation shall also be provided when required. The contractor must be able to provide specialized testing to include, but not limited, to flow cytometry (Leukemia/Lymphoma), flow myeloid (B&amp;T), special stains, immunohistochemistry stains, ISH, FISH, cytogenetics and molecular studies (e.g., KRAS, EGFR mutation by PCR, BCR/ABL and JAK2). Requests for testing in some cases may be limited to the technical component of the procedure. In these instances, the contractor shall provide electronic access to digital images of the stained slides or report printout (e.g. flow cytometry) for interpretation by the submitting pathologist. The contractor must provide the following services:(a) Provide all supplies necessary for collection, processing and shipping of the specimens to include:(1) Lab test request forms (it is possible that vendor may need to customize forms to include information required by the VA)(2) Specimen collection supplies for specialized testing (3) Specimen shipping containers (4) Special instructions for handling of specimen(b) Contractor shall provide specimen pick-up services at the Fargo VA Healthcare System laboratory. Specimen pick-up services must be on an as needed basis, Monday through Friday, 8:00 AM to 5:00 PM.(c) Transport samples in accordance with the Department of Transportation shipping regulations for biological specimens and in such a manner as to ensure the integrity of the specimen. Contractor will supply any special preservatives required for specimen preservation. All specimens, including frozen specimens, shall be shipped in containers provided by contractor. Note: The contractor must be responsible for transporting and storing specimens for at least 7 days from the completed date of testing in such a manner as to insure the integrity of the specimen where applicable.(d) Perform requested assays or requested service. (e) Turn-around Time (TAT): Routine testing shall begin within 24 hours, or less, from time of specimen pick-up. Routine test result reports are preferred within 48 hours of specimen pick-up and must be reported in less than 72 hours or 3 calendar days. Results of specialized tests must be reported in less than 7 calendar days of specimen pick-up. Exceptions to Routine or Specialized test turnaround times may exist when a test that is required has a processing time longer than those stated above in accordance with the test set-up schedule as submitted by contractor with their offer.(f) Contractor shall provide a monthly billing summary to the Fargo VA Healthcare Pathology and Laboratory Medicine Service for testing provided at the end of each month following the month in which the service was delivered. (g) It is preferred that Contractor provides an on-line searchable test catalog available for inquiry of test methodology. specimen</p>

requirements, and reference ranges. However, at a minimum, Contractor must provide a Laboratory User's Manual, or similar documentation, to each VA Laboratory. The manual shall include a list of all tests that the Contractor can provide along with the testing methodology used for each test, test reference ranges, and specimen requirements and any special handling required. (h) Contractor shall have available a 24/7 client services hotline to answer specimen collection or processing questions. (i) Contractor shall provide information to VA Laboratory on test results by telephone, as needed, when there is information or a problem regarding the processing of a specimen. (j) Contractor shall provide pathology consult and interpretation services as needed when professional pathologist opinion is required by VA Laboratory. (k) Provide the VA Laboratory with a means of communication to permit immediate inquiry regarding the status of pending test. (l) Contractor shall have the ability to accept paper faxes and requisitions in the event the computer system is not operable.

- Supplies/Equipment: Technical Characteristics can include, but are not limited to model, make, part number, color, size, quantity, delivery date, etc. Services: Refer to the statement of work, statement of objective, or performance work statement for your description.

**6. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION: *Unusual and Compelling Urgency***

- FAR 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements
- FAR 8.405-6 Limited sources justification and approval
- FAR 13.106-1(B) SAP Requirements – Soliciting From a Single Source
- This is a reference to the part of the Federal Acquisition Regulation that allows an item to be purchased without being fully competed. This statement serves as a point of reference in case the justification is questioned. In this case, it would be reviewed for its relativity to this part of the Federal Acquisition Regulation.

**7. NATURE & BACKGROUND OF ACQUISITION TO JUSTIFY SOLE SOURCE:** This emergency / temporary purchase order is required to avoid a gap in coverage until such time as a permanent contract will be in place. This service was previously paid on a per order basis with a credit card. Due to volume increases, it is no longer feasible to pay for this service on a per order basis. A new contract has been initiated, which will be competitively issued, and anticipated to be awarded by the close of the first quarter in fiscal year thirteen.

- Describe the minimum salient characteristics that will meet your needs. This is the area where you explain why no other vendor anywhere can supply this requirement for you. Acceptable reasons for "sole source" include (but are not limited to): bound by contract, technical order specification, warranty service, or regional standardization. If the reason for sole source is determined locally, offer what market research or clinical guidelines led to the decision. If this item is included in an allowance standard for War Reserve Materiel (WRM), cite the allowance standard, required source, and stock number for this item. NOTE FOR WRM PURCHASES: The Defense Logistics Agency is your primary source for WRM equipment. Be sure to determine availability from a DLA item manager before contracting for WRM equipment. If DLA cannot meet your timelines for WRM equipment, your urgency may be further justification for other than full and open competition. See your Medical Logistics Flight Commander for more details.

**8. PROVIDE INFORMATION SHOWING MARKET RESEARCH WAS CONDUCTED:** Market research is being conducted to via a sources sought announcement and other means to identify other vendors capable of meeting the requirements of the statement of work.

- This justification is for why no other vendor anywhere can supply your item or service and still meet your needs. Your rationale for barring other vendors is crucial to your justification. If you already cited the statutory reason for a sole source, state, "See paragraph 7". If your rationale for a sole source purchase was determined locally, offer an explanation of the source selection process you went through to determine your sole source requirement. Unacceptable reasons include (but are not limited to) personal taste, good relationship with existing vendor, or one's comfort level with a particular vendor.

- Describe the similarities and differences in vendors for the product that you are aware of that could assist or prevent the purchaser from obtaining the best value for you. Be sure to name the vendors. This section will help the purchaser decide which vendors are available to purchase this item from. If market research was not conducted, state it AND the reason that there was no market research.

**9. PRICE ANALYSIS "FAIR AND REASONABLE": *Service prices are comparable to other fee basis testing that have been done in the past.***

- This section is mandatory. Do not leave this section blank. Even though this must be purchased from only one source, you must still obtain a quote from the vendor for this purchase. This way you are able to verify added costs for delivery, your geographic region, or installation. Cite the pricing here. If you purchased this item before, compare this price to what you paid last time. Cite this here as well.

**10. LISTING OF SOURCES EXPRESSING INTEREST IN THIS REQUIREMENT: *Posting sources sought to generate list of potential sources.***

- Enter or attach contact information for sources you cited in the description of your source selection. If sole source by statute, regulation, or standard, list contact information for that source here.

**11. FUTURE ACTION TO OVERCOME BARRIER TO OTFOC: *Currently soliciting sources sought and procuring services via long term contract. Anticipate award effective 12/15/2012.***

- This section fulfills the legal requirement to affirm that the selection of a singular source for this requirement is an anomaly and that action will be taken in the future to ensure full competition in the future. The reason this is needed is to describe how the government will make an effort in the future to fully comply with standard acquisition practices and not resort to creating unnecessary partnerships with few vendors at the risk barring full competition to circumvent the FAR. By signing this, you are telling the contracting officer to avoid the processes that assure best value and fairness in this acquisition. If the reason for sole source purchase is because of statute, standard, or regulation, enter "THE SOURCE FOR THIS PURCHASE IS REQUIRED IAW [cite the standard here]."

SUBMITTED BY:

Signature: Tim Jochim

Department/Requestor

Date: 9/12/12

SIGNED BY:

Signature: [Signature]

Warranted Contracting Officer

Date: 9/12/12

APPROVED BY:

Signature: [Signature]

NCM or Product Line Supervisor

Date: 9/12/12

Note: Anything that is over 500K will need to strictly follow the SOP J&A Attachment.