

Attachment B: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval For Other Than Full and Open Competition

Contracting Activity: Department of Veterans Affairs, VISN 04, VA Pittsburgh Healthcare System, University Drive Division. 2237#646-13-1-206-0002

Nature and/or Description of the Action Being Processed: Brand Name Only and Only One Responsible Source, Sole Source Award to Biocompatibles, Inc.

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

Biocompatibles, Inc. LC Beads. Estimated Contract Amount \$92,300.

Statutory Authority Permitting Other than Full and Open Competition: 41 USC 253 (c) (1), as implemented by FAR 6.302-1.

- (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;

Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

It is essential to purchase the LC Beads from Biocompatibles, Inc., since they are the only company that manufactures them, and since they are the sole exclusive seller of their LC Beads.

(See copy of emails from VA employee Kelly Burkhouse, dated 9/26/2012, and email from Mike Russell of Biocompatibles, Inc., dated 10/2/2012 in the Contract file under P03).

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

N/A. (Per above authority). However, a Notice of Intent to Sole Source will be posted to Fedbizopps for 3-5 days.

Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

The price quoted by Biocompatibles, Inc. is the same price they charged the VA on a previous purchase under VA Purchase Order No. 646-A20857 on 8/22/2012, and therefore considered fair and reasonable.

(See copy of VA Purchase Order in the Contract file under S23).

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

Market research was conducted to determine if the items were commercial items, and since the items have been sold in the Commercial Marketplace and to the US Government, the items are considered commercial items. A Search of the GSA E-Library and GSA Advantage and a Google Search was performed, using the Company Name and item description and no results were found. The Posting of the Notice Of Intent to Sole Source also serves as Market Research.

Any Other Facts Supporting the Use of Other than Full and Open Competition:

Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

None

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:

NA

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.

(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)



Name: Kelley Burkhouse

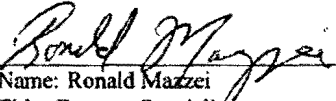
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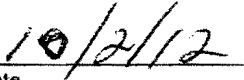
Date

Title: Imaging Supervisor
Department/Facility: Radiology / MS

Approvals in accordance with FAR 6.304:

Contracting Officer's Certification: (required) I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

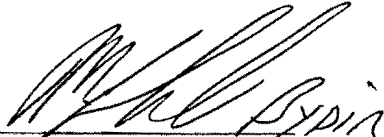

Name: Ronald Mazzei
Title: Contract Specialist
Facility: HJ Heinz


Date

VISN/PCA QA: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Name Date
Title
Facility

NCM/PCM: I certify the justification meets requirements for other than full and open competition.


Name Date
Network Contract Manager
VISN/PCA


Date