

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: _____ 36C261-19-AP-3766 _____

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, Palo Alto Medical Center: Network Contracting Office (NCO 21), 3801 Miranda Ave., Bldg. T-50, Palo Alto, CA 94304
2237: 640-19-3-522-0030

2. **Nature and/or Description of the Action Being Processed:**
FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for Tecniplast cages and related accessories 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. The Tecniplast cages and related accessories are for the new basic Science Research Building at the VA Palo Alto main campus. The anticipated contract will be a firm-fixed-price contract, and funded by Activations Major Projects Section, Office of Facility Planning and Development.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The purpose of these products is to provide housing for the rodents and fish in the Vivarium. Below is a list of the items.
(2) 80-cage Racks for Mice – DVC Complete 80 Rack
Tecniplast Sealsafe Plus DVC, single-sided includes the following components: 80 cage bodies (GM500SU, 80 tops GM500TOPSEALSUDVC, 80 wire lids GM500LID (DVC80CPSU)
 - (4) Flexible Hose with 2 Silicone Sleeves – 0.5 meter (dia 76-76 mm) (ACSVF70M05GM)
 - (160) Polysulfone Water Bottel with Silicone Ring (340 ml) (ACBT0312SU)
 - (160) Stainless Steel Bottle Cap with Green Seal (ACCP3421GM)
 - (160) Green Plastic Universal card holder (ACPCP24GM)
 - (1) 4 Ports DVC Master EVO – Tested and Packed (DVCMASTEREVO)
 - (1) One-time software license fee. One for each DVC Master (DVCSWLICENSE-300)
 - (2) DVC Connection cable from the DVC Master to DVC Rack – 3.5 meter (DVCCABLE35)
 - (2) Power supply cable (PSCABLE30110)
 - (3) Module WiFi DVC Reader (DVCWIREADEREVO)
 - (3) DVC Top Holder to be used to open cages under the laminar flow. (DVCTOPHOLDER)
 - (1) DVC Wireless RFID reader charger – 4 charging positions (DVCWIRDCHARGER)
 - (48) Polysulfone Cage Body (GM500SU)
 - (48) Stainless Steel Wire Half Lid with integrated food hopper (GM500LID)
 - Polysulfone Sealsafe Plus Top with Bottle Depression, Microbiological Filter Orange Filter (48) Retainer and RFID tag. To be used with DVC. (GM500TOPSEALSUDVC)
 - Polysulfone Water Bottle with Silicone Ring (340 ml) (ACBT0312SU)
 - (48) Stainless Steel Bottle Cap with Green Seal (ACCP3421GM)
 - (48) Green Plastic Universal card holder (ACPCP24GM)
 - (2) 17DVC – DVC (MISC-COST-DVC). DVCMAINTAIN – Annual Software Maintenance and Upgrade Service

- (1) GATEWAY SA-62 to be installed on SMART/EASYFLOW (Power supply cable NOT included (GATEWAYSFEFEVO)
- (1) GUARDIAN one-time software license fee (GUARDIANSWLIC-300)
- Power Supply Cable (PSCABLE30110)
- (2) Annual Software Maintenance and Upgrading fee of the GUARDIAN System (GUARDMAINTENANCE)

(12) R Suite Rabbit Racks with Edstrom AWS

Complete rabbit rack, s/s, equipped with Edstrom automatic watering system. Includes the following: 3 cages 4470R009, 3 waste trays 4470R389, 3 s/s feeder 4401S960 and 3 raised shelves 4421x610 (4R03B701EDCP)

- (36) Vertical bottle holder for 750 ml water bottle (rabbit), stainless steel (ACSAV310)
- (72) 750ML bottle, silicone ring, PC (ACBT0752)
- (72) S/S cap 30 deg bent – with 2 balls (ACCP51246)

(18) Aria CS48 Changing Station

04LFW – Laminar Flow (MISC-COST-LAMINAR FLOW). 9cs484trom – Aria CS48 with Trespa top working surface, Red LED light, Obstacle Detector and Motion Detector

(2) ISO Positive Complete Rack

IsoCage system (positive pressure), equipped with 35 complete X-Temp cages, 1 control cage, AHU, US std. (ISO36PFEUS). Additional Cage Components, 1245ISO with the following components:

- (33) X-Temp Cage Body (PFS) (1245ISOCAGE)
- (33) Stainless Steel Lid with Welded Divider (1245ISOLID)
- (33) Positive X-Temp IsoCage Plastic Top with Valves, Hepa Filter, two Clamps (PFS) (1245ISOTOPP)
- (33) 400 ml bottle X-Temp, in PFS silicone ring (ACBT0402PFS)
- (33) Cap, nozzle mm 25, hole mm 1,8 s/s (ACCP2521)
- (33) Sky Blue Plastic universal card holder (ACPCP24SBL)
- (2) Trolley with autoclavable castors for Isocage Decontamination rack (ISODR03TR)
- (4) S/S isocage decontamination rack, holds up to 3 Isocages in one row (ISODR03)

(2) BIOC 36 Cabinet

BIO C36/4 Red Doors/4Compartments/Lights and Heating/115V – Tested and Packed (9BIOC44R4Y2)

- (2) Power supply cable
- (1) Charcoal Filter mm 305x305x48 (9ARMVFC01)

(1000) GYM500SU

- (1000) Polysulfone Wheel (GYM500SU)
- (200) Polysulfone Cage Body with autowatering grommet (GM500SUED)
- (2556) Polysulfone SealsafePlus Flat Top without Bottle Depression. Includes .2 micron Microbiological Filter and Filter Retainer (GM500TOPSULAT)

(1) DGR28 Complete Rack

Complete with the following components - Cage Rack and cages for Rats:

- (1) DGR28 7LEV/4COL SINGLE SIDE RACK – PACKED (DGR28)
- (2) Flexible Hose with 2 Silicone Sleeves – 0.5 meter (dia 76-76 mm) ACSCVF70M05GM)
- (28) Polysulfone Cage Body with autowatering grommet (GR900SUED)
- (28) Stainless Steel Wire Lid (GR900LID)
- (28) Polysulfone Sealfafe Plus Top with Two Bottle Depressions, Microbiological Filter and Filter Retainer (GR900TOPSEALSU)
- (28) Green Plastic Universal card holder (ACPCP24GM)
- (1) Auto Watering manifold (UQTN001)
- (111) Polysulfone Cage Body with autowatering grommet (GR900SUED)
- (111) Polysulfone Sealsafe Plus top without bottle depression (GR900TOPSUFLAT)

(4) Logistics Items

- (4) Baby Universal Presentation Rack for Washing All Plastic Cages, (ACCALS02AA)
- (10) S/S transport trolley featuring all sides inclusive of flip-over intermediate plastic shelf (ACCATMWM02C)
- (20) S/S universal mesh crate with hinged lid for miscellaneous accessories Overall dimensions 19.7” x 19.7” x 10.1” h (9LBCA003)

(1) Tech-60 Mobile Bio Safety Cabinet – An effective barrier prevents cross-contamination and allergen exposure

- Tech-60 Mobile Bio Safety Cabinet, 115V/60Hz with US socket, USPlug, Not Perf. Top and

Items anticipated as an option: (4) DGM80 Sealsafe Plus Rack with Components, (800) Cage body with Autowatering Grommet, (1784) Flat tops for Cages without Bottle Depression, (5) Aria CS48, Retrofit of Existing Cage Racks for Autowatering capability (Anticipated in March)

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;

FAR13.5 Simplified Procedures for Certain Commercial Items: The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

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 authority cited in paragraph 4 is essential to the Government's requirement, thereby precluding consideration of a product manufactured by another company. Accordingly, Tecniplast products are the only products capable of providing the supplies as described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through utilization of another manufacturer and unacceptable delays in fulfilling its requirement.

Tecniplast cage racks as described above are currently being used by the Vivarium in their existing facility. Some existing equipment is in good condition and can be used in the new building. The brand and model of cage racks, caging, and accessories needs to be consistent throughout the facility to maintain smooth cage change-out and cleaning operations.

Consistency for researchers: The number of variables affecting the animals needs to be kept to a minimum to maintain the integrity of research experiments. Change in caging may introduce a new variable. For example, a wall-attached air handling unit will not transmit any vibrations to the cages, while an air handling unit attached to the rack may transmit vibrations to the animals, affecting their behavior and health.

Consistency in caging/rack systems: Consistency in caging/rack systems within the VAPAHCS VMU is important to maintain efficient workflow. Changing cage systems requires re-training of VMU employees and time-consuming updates to current SOP's (Standard Operating Practices). Staff will require as much as six months to work at full efficiency with minimal errors. A change in rack and cage type increases the risk of operational errors during the re-training period, putting animals' lives at risk.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** 36C26118Q1174 was posted to Federal Business Opportunities (FBO) to advise the community that the Government intended to limit the brand name to Tecniplast for the procurement of products to house rodents and fish in the Vivarium located at the new Basic Science Research Building. This notice yielded zero (1) response from interested and capable manufacturers.

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** There are three (3) known Service Disabled Veteran-Owned Small Business (SDVOSB) authorized distributors. This action will be competed on FBO (SB Set Aside) as the NonManufacturer Rule applies to this requirement. Pricing will be determined upon competition.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted by the Contracting Officer and the technical experts that will be utilizing the system to determine if any other manufacturers could provide a similar product. There were three (3) SDVOSB authorized distributors that can provide the requested items. They are:

The McConnell Group

Nicole McConnell | Director of Operations

1901 Research Blvd. Suite 502, Rockville, MD 20850

Office: 301-309-8310 x 1744 | Direct: 301-795-4494 | Fax: 301-309-8314

Email: nmccconnell@themccgroup.com | Web: www.themccgroup.com

Bravo Inc.
Stephen Berge, President
1811 SE 5th Ave, Cape Coral, FL 33990
www.bravomaterials.com
stephen@bravomaterials.com
Phone 239-471-8127

Cuna Supply LLC
Mike Hagerty President
5455 Dashwood St, Suite 500, Bellaire TX 77401
www.cunasupply.com mike.hagerty@cunasupply.com Tel 713-349-9205

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Using a proprietary system prevents us from obtaining other non-brand competition.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** To date, no other sources have written to express an interest in this Tecniplast cage and accessories requirement.
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:** The contract action will be synopsised on FBO within 14 days of award. All acquisitions for this equipment and/or services will continue to be advertised by placing a Notice of Intent to solicit to a Small Business set aside for brand name items, with synopsis of requirement on FBO. VA will continue to monitor the commercial marketplace to determine if other sources are capable of providing an Automated Prescription Dispensing System that can meet VAPAHCS' requirements.
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.

[Redacted Signature]

Date: 2019.09.03
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[Redacted Signature]

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13. **Approvals in accordance with the [VHAPM Part 806.3 OFOC SOP:](#)**

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

Brandy P.
Gastinell 523772

Digitally signed by Brandy
P. Gastinell 523772
Date: 2019.09.03 14:58:02
-07'00'

Brandy Gastinell
Contracting Officer
NCO 21

9/3/19
Date

- 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.

[REDACTED]

- c. **VHA RPO HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$68 million) or approve (\$700K to \$68 million) for other than full and open competition.

[REDACTED]