

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID:** 36C260-19-AP-3947

1. **Contracting Activity:** Department of Veterans Affairs, Veterans Health Administration, Regional Procurement Office West, Network Contracting Office 20 on behalf of VISN 20, VA Puget Sound Healthcare System. 663-19-3-9163-1298.
2. **Nature and/or Description of the Action Being Processed:** Brand Name Justification and Approval of the items listed below. This action will be awarded as a new firm-fixed-price contract with an estimated value of [REDACTED]. The requested contract covers items that enables biomedical research capabilities.

This requirement is to purchase a Leica LMD7 Laser Microdissection System for the Cellular and Molecular Imaging Core at VA Puget Sound Healthcare System.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The station requires the following pieces of equipment:  
One (1) each of the following Leica brand items:
  1. Laser Microdissection System (LMD system) [REDACTED]
  2. IP S Modular Histology slide printer [REDACTED]
  3. Power cord NEMA5-15 C13 [REDACTED]
  4. Unload station for Leica IPA including slide trays [REDACTED]
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(1), as implemented by FAR 6.302-1 Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1(c) Application for brand name description.
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 Cellular and Molecular Imaging Core at VA Puget Sound Healthcare System is a valuable resource for LMD technology and is the only resource for expert full service LMD and detailed user training in the Seattle area. In order to provide seamless continuation of this level of service and importantly, to enable continuation for a number of current projects being undertaken at present, it is critical that the new instrument being as similar as possible to the existing LMD. The station end-user group has developed study data that must be continued within the established methodology and therefore requires this exact equipment without substitution for continued consistency of research.

This instrument will be widely used, by at least 5 research groups at VA Puget Sound, and represents a technology that is currently available on station but needs to be replaced and upgraded. Core staff within the VA Puget Sound's Cellular and Molecular Imaging Core have experience with the older instrument; thus, consistency in research and development and in terms of implementing protocols

is required. This system enables the use of both bright field chromagens and fluorescent detection systems, allowing maximum flexibility for our researchers' needs. This instrument fulfills a major upgrade need at our research station.

As mentioned, number of users have current, ongoing LMD projects; this necessitates the upgraded instrument being as similar as possible to the existing LMD for consistency of research. Several users have long-term projects utilizing human tissue samples that take time. This will allow for a faster learning curve for current users and. In addition, ongoing projects in the core can be completed using the closest available instrument to the current LMD on station, allowing for continuity of research. The station end-user group developed study data that must be continued within the established methodology and therefore requires this exact equipment without substitution for continued consistency of research.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This requirement is for Leica Biosystems brand name items. As such, these items are available from three potential sources: the manufacturer, Leica Biosystems, Government Scientific Source, a small business, and Bitterroot, a SDVOSB.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The expectation is through competition the pricing will be fair and reasonable. Barring that, the pricing can be compared to the items found on GSA Schedules (with the small business distributor, GSS).
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** As described above, market research was conducted by sending a sources sought notice to all possible VIP verified SD/VOSB firms advising of the pending acquisition and soliciting inquiries from interested parties. I received no positive responses. An inquiry to the manufacturer indicated they are the sole distributors of their instruments; however they do authorize GSS and Bitterroot in this endeavor.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** This requirement for the brand name items listed above satisfy the Government's requirements as listed meet the performance history and standards of the research unit and are consistent with brands used to establish the research program. Acquisition of dissimilar items would require extensive revalidation and protocol refinement, jeopardize budget and project milestone timelines and reduce the capacity for the department to make timely translational research insights impacting clinical care.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** The manufacturer, Leica Biosystems; GSS, and Bitterroot.
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:** No further actions or future acquisitions are planned for acquisitions of this nature. This approval is sought for a single requirement.

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP  
Attachment 2: Request for Sole Source Justification Format >SAT

- 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.



Rebecca Meichle  
Research & Development  
VA Puget Sound Healthcare System

**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.

Michael J. Allred  
1779380

Digitally signed by Michael J.  
Allred 1779380  
Date: 2019.09.04 10:19:32 -07'00'

Mike Allred  
Branch Chief  
J&A Tracker 2019-08-21T08:21:21

- 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.

Peggy L. Corcoran  
~~1568934~~  
Peggy Corcoran  
Division Chief  
NCO 20

Digitally signed by Peggy L.  
Corcoran 1568934  
Date: 2019.09.04 14:26:18 -06'00'