

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID:36C249-19-AP-2141

1. Contracting Activity:

Department of Veterans Affairs, Network Contracting Office (NCO) 9, 596 Lexington VA Medical Center, 1639 Medical Center Parkway, Suite 400, Murfreesboro, TN 37129
Purchase request (i.e. 2237) number: 596-20-1-029-0002

2. Nature and/or Description of the Action Being Processed:

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is a new requirement for Abbott M2000 Systems equipment lease, reagents, test kits and test sets 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.

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

The proposed action is to procure equipment lease, reagents, test kits and test sets/supplies for Abbott specialized laboratory equipment at Lexington VAMC. The Abbott M2000 System consist of the M2000sp and M2000rt instruments. The Abbott M2000 System is an instrument platform that automates steps to perform nucleic acid amplification assays from sample processing through amplification, detection and data reduction.

The total estimated value of the proposed action for base is \$348,811.25 + (1) one-year option renewal is \$697,622.50. POP: October 1, 2019 – September 30, 2021.

4. Statutory Authority Permitting Other than Full and Open Competition:

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 Lexington VAMC currently has a FSS-BPA V797D40222/VA249-17-A-0027 contract for the Abbott M2000 System equipment lease, reagents, test kits and supplies. The current contract expires 9/30/2019. The reagents, test kits and test sets are proprietary to this equipment. Any other reagents or supplies would not be FDA approved for use. All manufacturers for this type of testing are proprietary for reagents. Abbott Molecular, Inc. is the only firm capable of providing the supplies and services 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 competition and unacceptable delays in fulfilling its requirements. Abbott Molecular, Inc. is the sole provider of the Abbott equipment and products.

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

Market research was conducted, details of which are included in the contract file. To meet the VA Rule of Two, a review of the Vendor Information Pages (VIP) database in accordance with VAAR Class Deviation 810.001-70 to determine if two or more service-disabled veteran-owned businesses (SDVOSBs) and veteran-owned small businesses (VOSBs), in the appropriate NAICS code, are listed as verified in the VIP database. This effort did yield additional sources that can potentially meet the Government's requirements. However, Lexington VAMC is currently leasing the specialized laboratory equipment and the supplies needed can only be procured through Abbott, procuring new specialized instruments which would allow VA to use other reagents would not be cost effective. There is no competition anticipated for this acquisition. The proposed contract action IAW FAR 6.305 the justification shall be made publicly available within 14 days after contract award.

7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable: IAW FAR 13.003(g) (2), the Contracting Officer (CO) intends to use an applicable procedure in FAR 15.404-1(b)(2)(ii), to ensure that the quoted pricing will be determined fair and reasonable based upon comparison to historical prices paid for similar services, FSS pricing and the IGCE.

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

As described in Section 6 above, market research, in accordance with FAR Part 10, was conducted and did not yield additional sources that can potentially meet the Government's requirement. The market research revealed the acquisition history and experience with the marketplace under previous acquisitions for the same or similar items.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: Lexington VAMC has leased the specialized equipment for the last 3 years. The equipment has a shelf life of 10 years before replacement or upgrade is required. The reagents, test kits and solutions are unique to this specialized equipment; no other product can be used with this equipment.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: Abbott Molecular, Inc.

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:

Although reagents are proprietary to our current equipment, VA will contact the vendor to see if they have added any SDVOSB or VOSB distributors in the future. Further, when the equipment is recompeted, other vendors will have the opportunity to supply instruments and reagents.

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.

VICKI B RICHARDSON 217816 Digitally signed by VICKI B RICHARDSON 217816
Date: 2019.05.28 15:46:22 -04'00'

Vicki B. Richardson
Laboratory Manager, P&LMS for SRL
Lexington VAMC

5/28/2019

Date

- 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.

Monica Thompson
Contracting Officer
NCO 9

8/22/2019

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.

Robert Kellner
Division Chief
NCO 9

Date