

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: 36C249-19-AP-1869

1. Contracting Activity:

Department of Veterans Affairs, Network Contracting Office (NCO) 9, 626 Tennessee Valley VA Medical Center, 1639 Medical Center Parkway, Suite 400, Murfreesboro, TN 37129
Purchase request (i.e. 2237) number: 626-20-1-066-0007

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 Blood Culture equipment lease, equipment maintenance and technical support 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 for BD Blood Cultures, equipment maintenance and technical support for specialized laboratory equipment at Tennessee Valley VAMC. The BD BACTEC FX Blood Culture system consist of the top unit epicenter, bottom unit and NUC Computer. The BD BACTEC FX blood Culture System is an advanced fluorescence detection technology, exceptional media performance and instrument reliability with vial activated workflow, advanced ergonomics, blood culture observation and customer-focused data management. The easy-to-use workflow comes in a compact, modular design, which can be adapted to multiple space and time saving configurations for laboratory department. The total estimated value of the proposed action for base is \$56,047.50 + (4) four-year option renewal is \$280,237.50. POP: October 1, 2019 – September 30, 2024.

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 Tennessee Valley VAMC currently has an FSS V797D-40095 contract for the BD Blood Culture equipment lease, equipment maintenance, technical support and supplies. The current contract expires 9/30/2019. The BD BACTEC cost per test equipment and consumable supplies are proprietary to this equipment. All manufacturers for this type of testing are proprietary for BD BACTEC blood culture system. Becton, Dickinson and Company 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. Becton, Dickinson and Company is the sole provider of the BD BACTEC 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. A search of GSA eLibrary and FPDS revealed that 0 SDVOSB/VOSB can potentially provide the Blood Culture and maintenance service. A VIP search revealed 1 SDOVSB/VOSB that could potentially provide the equipment but does not meet the rule of two requirement. The Tennessee Valley VAMC is currently leasing the specialized laboratory equipment and the supplies needed can only be procured through Becton, Dickinson and Company, procuring new specialized instruments which would allow VA to use other Blood Culture equipment and supplies 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:

Tennessee Valley VAMC has leased the specialized equipment for the last 5 years. The Blood Culture, and consumable supplies 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:

Becton, Dickinson and Company

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 Blood Culture Cost-Per-Test 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, equipment maintenance and technical support.

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.

Shannon L.
Skillern 955914

Digitally signed by
Shannon L. Skillern 955914
Date: 2019.09.20 13:14:29
-05'00'

Shannon L. Skillern, MSHS
Pathology & Laboratory Medicine
Tennessee Valley 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.

LaShanda Harrington
Contracting Officer
NCO 9

- 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.

Monica Thompson
Supply Branch Chief
NCO 9