

DEPARTMENT OF VETERANS AFFAIRS  
Justification and Approval  
For  
Brand Name Specific Open Market

1) **Contracting Activity:**

Department of Veterans Affairs  
Network 15 Contracting Office  
3450 South 4<sup>th</sup> Street Trafficway  
Leavenworth, KS 66048

The purchase request number is 760-20-1-050-0012.  
Items are to be delivered to the Leavenworth KS CMOP.

2) **Nature and/or Description of the Action Being Processed:** The Leavenworth-CMOP, 5000 S. 13<sup>th</sup> Street, Leavenworth, KS 66048, Consolidated Mail Outpatient Pharmacy is requesting approval to purchase BRAND NAME specific NDC drug items and Medical Supplies. This is a new procurement and will be a firm fixed price contract. The total estimated value for this request is \$605,529.44. The list below includes brand name items in this request.

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

Line	IMF	NDF	Drug name	BT	SZ	NDC	ORDER	Cost	
1	7052	B0577	BIOTENE MOUTHWASH	480		48582-0003-30	2240	\$5.89	\$13,193.60
7	15078	XR423	CONTOUR NEXT (GLUCOSE) TEST STRIP	50		00193-7311-50	1580	\$35.43	\$59,522.40
8	15079	XR423	CONTOUR NEXT (GLUCOSE) TEST STRIP	100		00193-7312-21	3600	\$70.85	\$255,060.00
9	9061	XU158	BREATHE RIGHT NASAL STRIPS SW/MD	30		57145-0001-22	360	\$10.08	\$3,628.80
10	6326	XZ087	LANCET ONE TOUCH ULTRA SOFT	100		53885-0393-10	1008	\$9.58	\$9,556.64
11	6243	XZ173	ONE TOUCH ULTRA (GLUCOSE) TEST STRIP	50		53885-0244-50	720	\$25.65	\$18,468.00
12	6247	XZ173	ONE TOUCH ULTRA (GLUCOSE) TEST STRIP	100		53885-0245-10	4800	\$51.25	\$246,000.00
									\$605,529.44

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; Brand name description application applies.

The Brand name items must be supplied by only by authorized distributors of the items listed on this Justification and Approval. Brand named items as prescribed by physicians, must be used for best therapeutic outcome.

5) **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Within the VHA brand name drugs may be prescribed by physicians when in their clinical judgment the brand name drug will provide a better therapeutic outcome for patients. Brand name drugs are requested when there is a clinical requirement for the drug. In this case, the brand specific drug name is requested on the list above.

6) **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**  
The requesting pharmacy indicated this medication could be obtained from open market, and will be solicited for authorized distributors to submit a quote.

7) **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The CO anticipates the cost will be considered fair and reasonable based upon 1) Comparison made against historical purchases; and 2) Comparison to the IGCE.

- 8) **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** After searching NAC & GSA, there are no available contracts for any of the items requested. A search of the Center for Veteran Enterprise Vendor Information Pages indicates there are SDVOSB or VOSB vendors which are engaged in the manufacture of pharmaceuticals. A query at the SBA Dynamic Search portal returned possible small business vendors. However, these vendors are not engaged in manufacture, but are distributors for large business wholesalers. Because the Government is not allowed to do business using Wholesale Trade or Retail Trade NAICS codes, searches must be conducted using the manufacture NAICS code of 339113 Surgical Appliance and Supplies Manufacturing.
- 9) **Any Other Facts Supporting the Use of Other than Full and Open Competition:** N/A
- 10) **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** N/A
- 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:** At this time, the physician has stated the above mentioned name brand drugs are the only brands that will meet the specific needs of the patients, however, we are still competing this amongst distributors.
- 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.

  
 Diane Nolting  
 Supervisory Inventory Management Specialist  
 Leavenworth CMOP

13) **Approvals in accordance with FAR 6.304**

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

Joetta M. Eagle 399755

Digitally signed by Joetta M. Eagle 399755  
 Date: 2019.10.07 11:46:39 -05'00'

Date

Contracting Officer  
 NCO 15 CMOP Contracting

b. **One Level Above Contracting Officer (Required over SAT but not exceeding \$700K):**

I certify the justification meets requirements for other than full and open competition.

Ralph R. Crum  
 547284

Digitally signed by Ralph R. Crum  
 547284  
 Date: 2019.10.07 11:54:35 -05'00'

Name: Ralph Crum Date  
 SUPERVISORY CONTRACTING OFFICER  
 Facility: NETWORK 15 CONTRACTING OFFICE