

LIMITED SOURCES JUSTIFICATION

ORDER >SAT

FAR PART 8.405-6

Acquisition Plan Action ID: 36C260-19-AP-5548 CPRR Chemistry Testing Bridge

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 20, Puget Sound VA Healthcare System
- 2. Description of Action:** This acquisition is conducted under the authority of the Multiple-Award Schedule Program ([41 U.S.C. 251](#) and [40 U.S.C. 501](#)).

Order against: ☒ FSS Contract Number: V797P-7347A

Name of Proposed Contractor: Roche Diagnostic Corporation

Street Address: 9115 Hauge Road

City, State, Zip: Indianapolis, IN 46250

Phone: 317-521-3086

3. Description of Supplies or Services:

The estimated value of the proposed action is \$416,679.99 for the base period of 3 months with 2 one-month options at \$138,893.33 per month for a total of \$694,446.65 for supplies to include the lease of instrument under a Cost Per Reportable Contract.

Leased Automated Chemistry Immunochemistry Analyzers (Chemistry Analyzers) for testing at Puget Sound VA Healthcare System in Veterans Integrated Service Network 20 (VISN20). These analyzers, consumables and supplies are used VISN wide by laboratory staff employees for chemistry immunochemical testing. This service is necessary for the Department of Veterans Affairs Medical Centers and is considered essential as it allows the medical staff to test patients' bodily fluids which assists providers in diagnosis and monitor patients' health. Roche Diagnostic Corporation is currently the incumbent contractor and has leased instruments already available within Portland VA Healthcare Laboratory. No other instruments are readily available for immediate use. The original VISN award expired on March 31, 2017. The VISN wide follow-on contract awarded February 2018 was protested. The single award BPA for Puget Sound was protested again in 2019 and is currently in a stay of award. As soon as the protest corrective action is resolved, a BPA delivery order will be placed against this BPA to get new instrumentation installed and validated. The current ordering vehicle is needed to continue these extremely vital services until the protest is resolved, which could take several months.

(4) IDENTIFY THE AUTHORITY AND SUPPORTING RATIONALE (see 8.405-6(a)(1)(i)(A), (B), and (C) or 8.405-6(b)), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE. (CHECK ALL THAT APPLY AND COMPLETE)

- ☒ An urgent and compelling need exists and following the ordering procedures would result in unacceptable delays.
- ☐ Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized;
- ☐ In the interest of economy and efficiency, the new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.
- ☐ Items peculiar to one manufacturer:
- ☐ A patent, copyright or proprietary data limits competition. The proprietary data is: (If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)
- ☐ These are "direct replacements" parts/components for existing equipment.
- ☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.404(d) TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

Continued services and supplies are needed for the lab while the protest is being resolved. It is unknown how long this protest will take to resolve, and it is expected that the protestor will appeal once a decision is issued. The Roche Cobas Chemistry Analyzer Instruments are currently on site at the Puget Sound VA Healthcare System as the incumbent contractor making them the only available source to continue services during the installation and validation of the new equipment. Completely discontinuing use would create unacceptable delays and affect patient care and safety as the Puget Sound VA Healthcare System cannot go without laboratory testing. Roche Diagnostics Corporation currently has a Federal Supply Schedule contract

expiration date of January 31, 2020. Additionally, in accordance with FAR 8.404(d) the prices delineated under schedule contract have already been determined fair and reasonable. Roche Diagnostics Corporation has been determined to be a responsible contractor through reports available on the System for Award Management.

(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

NCO20 has conducted extensive market research and issued a Request for Quote (RFQ) on June 8, 2017 to replace BPA VA260-15-A-0034 which expired on March 31, 2017. Service was continual through the procurement process utilizing BPA Calls. An award was made on February 27, 2018 but was protested on March 9, 2018. NCO20 issued a Stop-Work on all work associated with Federal Supply Schedule (FSS) BPA 36C26018A0005 on March 16, 2018. The market research that supports the requested limited source awards utilizes all comprehensive research done to date.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION: None

(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

This limited source justification is essential to maintain critical service while the new award is completed.

(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

Kathleen V. Aldridge 345935

Digitally signed by Kathleen V. Aldridge

345935

Date: 2019.09.30 07:49:37 -07'00'

SIGNATURE

DATE

NAME

TITLE

SERVICE LINE/SECTION

FACILITY

(10) APPROVALS IN ACCORDANCE WITH THE VHAPM Part 806.3 OFOC SOP: *This part is filled out by Contracting Staff as part of the Justification*

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

**Bethany D.
Ireton 282396**

Digitally signed by Bethany D.
Ireton 282396
Date: 2019.09.28 11:41:48 -07'00'

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Bethany Ireton
NCO20, Services II Branch Chief

b. One Level Above the Contracting Officer (Required over the SAT but not exceeding \$700K): I certify the justification meets requirements for other than full and open competition.

**Peggy L. Corcoran
1568934**

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Corcoran 1568934
Date: 2019.09.28 08:39:25 -07'00'

Peggy Corcoran
NCO20, Division Chief