

## LIMITED SOURCES JUSTIFICATION

ORDER >SAT

### FAR PART 8.405-6

**Acquisition Plan Action ID: 36C261-19-AP-1440**

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 21, VA Southern Nevada Medical Center, 2237 number 593-19-1-968-0011.
- 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](#)).  
New Order against: ☒ FSS Contract Number: V797D-30175

Name of Proposed Contractor: Siemens Healthcare Diagnostics

Street Address: 115 Norwood Park

City, State, Zip: South Norwood, VA 01062-4633

Phone: 714-655-3235

- 3. Description of Supplies or Services:** Siemens Immunochemistry Assay cost-per test for the VA Southern Nevada Medical Center. Under a cost-per test (CPT) requirement, the Government owns the equipment and purchases reagent kits at specified prices on an as-needed basis. The estimated value of the proposed action is \$ [REDACTED] for one year. The VA Southern Nevada Medical Center (VASNHCS) owns Siemens equipment that was purchased under an expired Federal Supply Schedule (FSS) Blanket Purchase Agreement (BPA) awarded by NCO 22. No additional information is known about this BPA as it was awarded by a different office. However, the BPA is now expired and the VASNHCS has a continued need for reagents for existing equipment.
- 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.**

☐ 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 – the analytical machinery currently in place at the VASNHCS is the Siemens Centaur unit, and only

Siemens can provide the reagents and other items necessary to run tests using this device. Reagents are equipment specific. In addition, the CPT includes any consumables, service, and supplies needed for the testing, which are specific to the equipment. Siemens equipment is currently in use at the VASNHCS. To change to a different instrumentation would require the procurement of new equipment and validation of the equipment which can take approximately six months to accomplish. The lifespan of the existing Siemens equipment, moreover, has not expired and it would not be in the Government's best interest to solicit for new equipment at this time. New equipment would be very expensive. It would not be economically feasible to procure a new system in the hopes that supplies from another manufacturer would be less expensive.

☐ 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:**

The contractor holds a VA FSS contract, V797D-30175. The pricing for this order has already been established as fair and reasonable under the basic contract. The VA FSS contract contains tiered pricing whereby the price per test decreases as the quantity of tests ordered increases. The Government will attempt to obtain additional discounts to the VA FSS prices.

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

Siemens is the only source for the required reagents and related supplies/services. Siemens provided an e-mail to this effect. Therefore, there are not at least two Service Disabled Veteran Owned Small Businesses (SDVOSB) or Veteran Owned Small Businesses (VOSB) that are

interested and capable in performing this requirement. The Government does not expect to receive quotes from at least two SDVOSB/VOSB vendors. Since the Rule of Two is not met, it is in the best interest of the Government to pursue existing Indefinite Delivery Indefinite Quantity contracts for this requirement.

**(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:** The required reagents are required to continue ongoing healthcare support at the VASNHCS. Without the required reagents, the equipment is useless.

**(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:** The equipment at VASNHCS is in the final two years of life expectancy. After that time, new analyzers will be procured competitively and will include the requirement for the required reagents.

**(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.)*

[Redacted Signature]

SIGNATURE

DATE

[Redacted Facility]

FACILITY

[Redacted Date]

[Redacted Date]

**(10) APPROVALS IN ACCORDANCE WITH THE [VHAPM Part 806.3 OFOC SOP](#):**

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

[Redacted Signature]

[Redacted Facility]

[Redacted Signature]

Network Contract Office (NCO) 21

**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.

[Redacted Signature]

[Redacted Signature]

[Redacted Signature]

Network Contract Office (NCO) 21

**HIGHER LEVEL APPROVAL (Required for orders over \$700,000):**

c. **VHA SAO HCA REVIEW AND APPROVAL (over \$700,000 to \$68 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for restricting consideration of the Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4.

[Redacted Signature]

[Redacted Signature]

[Redacted Signature]

Head of Contracting Activity (HCA)