

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Other Than Full and Open Competition**

**2237 Transaction # or Vista Equipment Transaction #: 541-13-1-151-0034**

**1. Contracting Activity:** Department of Veteran Affairs  
Network Contracting Office (NCO) 10  
6150 Oak Tree Blvd. Suite 300  
Independence, Ohio 44131

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

A firm-fixed price contract for a GeneXpert module expansion for the Pathology Service at the Cleveland VAMC.

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

Pathology & Laboratory Medicine Service needs to expand the capacity of molecular testing on the GeneXpert system to allow for additional testing to be performed at the Cleveland VA Medical Center. To meet the need two additional six color 4-module add-on parts need to be procured.

**(a) ESTIMATED DOLLAR VALUE:** \$60,000.00

**(b) REQUIRED DELIVERY DATE:** December 31, 2012

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

- (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- (2) Unusual and Compelling Urgency per FAR 6.302-2;
- (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- (4) International Agreement per FAR 6.302-4
- (5) Authorized or Required by Statute FAR 6.302-5;
- (6) National Security per FAR 6.302-6;
- (7) Public Interest per FAR 6.302-7;

**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 Cleveland VA Medical center current uses the GeneXpert instrument system to perform molecular diagnostic testing. Molecular diagnostic testing is highly specialized testing. Due to the development of testing capability for additional analytes and increased workload, the capacity of the current system is insufficient to meet the needs of the Service. The GeneXpert testing system is manufactured by Cepheid.

Due to proprietary rights, Cepheid is the only vendor who can provide the needed add-on to the current system.

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

A search was conducted on NAC/GSA and VA Advantage and no vendor was found that could deliver the needed equipment.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

The complete system was purchased in FY2010 for a total of \$113,190. It contains two of the modules P&LMS is requesting. By procuring additional modules, we double capacity of the system.

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

Sole Source.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**

Due to the proprietary rights of this technology, only Cepheid can supply the add-on modules to the current instrumentation in use at the Cleveland VA Medical Center.

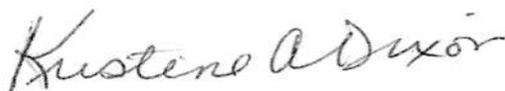
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

Cepheid  
904 Caribbean Drive  
Sunnydale, CA

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:** N/A

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.

*(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)*

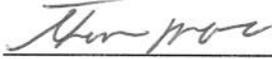


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Kristine A. Dixon  
COTR  
VISN 10/Cleveland VAMC

\_\_\_\_\_  
11/28/12  
Date

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.



\_\_\_\_\_  
Thomas P. Moore  
Contracting Officer  
NCO 10



\_\_\_\_\_  
Date

- b. **NCM/PCM (Required \$3K and above)**: I certify the justification meets requirements for other than full and open competition.



\_\_\_\_\_  
Terry Spitzmiller  
Network Contract Manager  
NCO 10



\_\_\_\_\_  
Date