

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

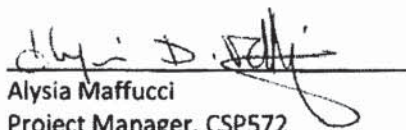
For

Other Than Full and Open Competition

1. **Contracting Activity:** SAO East and the Clinical Epidemiology Research Center (CERC) at the VA Connecticut Healthcare System are responsible for this proposed Justification for Other Than Full and Open Competition.
2. **Nature and/or Description of the Action Being Processed:** This action is planned to be awarded as a new firm-fixed-price contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This will be a one-time purchase of approximately \$480,000.00 worth of DNA analysis kits. These kits contain the items required to analyze DNA samples on DNA analysis equipment manufactured by Illumina, Inc. ("Illumina").
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;
 - () (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:** CERC project CSP572 main and sub study require that lab staff operate over \$500,000.00 worth of Illumina DNA analysis equipment owned by Yale University as per approved protocols. They can only use Illumina's DNA analysis kits ("BeadChips") on this equipment. SAO East has not identified any resellers of Illumina BeadChips (see the attached sources sought notice responses). Accordingly, Illumina is the only firm capable of providing the supplies described in Section III above without the VHA experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** In accordance with FAR 5.203, a notice that the Government intends to solicit and negotiate with only one source under the authority of FAR 6.302 will be published before issuance of the solicitation.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost will be considered fair and reasonable. In accordance with FAR 15.404-1(b)(2), price analysis will be accomplished by comparing prior proposed prices and contract prices with current proposed prices for the same or similar end items. In accordance with FAR 15.405, price negotiation will then be used to determine a fair and reasonable price.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** SAO East received quotes from Illumina, and Illumina has offered discounts of 10%-20% off

their published prices. Illumina's quoted prices compare favorably with historical prices paid for the same items from the same vendor (see the attached Independent Government Estimate (IGE)).

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** To use any other brand of DNA analysis kits, CERC would have to purchase their own DNA analysis equipment instead of using Yale's DNA analysis equipment. Assuming the choice to use Yale's DNA analysis equipment as per approved protocol—instead of purchasing new DNA analysis equipment—represented best value to the Government, the purchase of new DNA analysis equipment would not represent best value to the Government.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section VI above.
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:** CERC cannot take any actions to remove or overcome barriers to competition for DNA analysis kits unless they eventually require their own DNA analysis equipment in the future. At that time, they can consider and possibly select DNA analysis equipment that uses non-propriety DNA analysis kits—if that technology even exists at that time.
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.


Alysia Maffucci
Project Manager, CSP572
CERC

8/3/12
Date

13. Approvals in accordance with FAR 6.304:

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


Cheryl Homison — E.S. ERIC SANTOYO
Contracting Officer
SAO East

8/7/12
Date

- b. **NCM:** I certify the justification meets requirements for other than full and open competition.


Jeffrey Ryan
Network Contract Manager
SAO East

9/18/12
Date