

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

1. Contracting Activity: Department of Veterans Affairs, SAC-Frederick, Frederick, MD
Purchase request number **523-13-1-7150-0010**

2. Description of Action:

The Boston Medical Center is requesting the name brand Leica for medical microscopes. The order is for a firm-fixed price (FFP) order for Leica Multiple Viewing System to work with an existing microscope with Leica Microsystems, 1700 Leider Lane, Buffalo Grove, IL 60089.

3. Description of Supplies or Services:

The proposed action is to purchase a Leica Multiple Viewing Systems – DM 5 Headed Station to be used on an existing Leica microscope. Only Leica accessories are compatible with Leica microscopes, no other product will work with the existing Leica equipment, expected cost \$12,098.90.

4. Statutory Authority:

- (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):

Leica is the only manufacturer/distributor that can provide the accessory requested. Only Leica parts/accessories work on Leica microscopes. If another manufacturer/distributor were to provide the accessory requested it would not work with the existing equipment and therefore would the purchase of an additional microscope.

If this is a Brand Name Justification provide a demonstration of any brand name product's unique attributes: an explanation of the proposed brand name item(s) unique qualifications and why no other similar item will suffice.

Based on extensive market research, as described in paragraph eight of this document, it was determined that no competition is viable among authorized resellers for this brand name item. Leica DM 5 Headed Station brand name accessory is the only accessory that can be used on the existing Leica microscope in use. Any other brand name accessory is unable to integrate with the currently used Leica microscope. Additionally, no other brand will be interoperable or compatible with the Leica microscope.

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

Market research was conducted, details of which are in the market research section of this document. This effort did not yield any additional sources that can meet the Government's requirements. There is no competition anticipated for this acquisition. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized at award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.

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

The Contracting Officer will determine the price to be fair and reasonable prior to award. Comparison to the Government estimate and all quotes received will be used to make this determination.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Market research was performed by looking at NAC sites as well as other GSA vendors. Other GSA vendors were found but not with a microscope in the same configuration as provided by Leica. This effort did not yield any additional sources that can meet the Government's requirements. There is no competition anticipated for this acquisition. In accordance with FAR 6.305(c) and 5.102(a)(6), this justification will be posted at solicitation on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:
None

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

See Item 2 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:

The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed.

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.

Name : David J Casey Jr

Date:

5/8/2013

Title: Program Assistant

Signature:



13. Approvals in accordance with FAR 6.304

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



Sélena Robinson
Contracting Officer
SAC-Frederick

5-8-2013

Date