

Attachment 2: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval
For
Other Than Full and Open Competition

1. **Contracting Activity:** Network 23 Contracting Office (NCO 23) – Iowa City, 1303 5th St, Suite 300, Coralville, IA. 52241. 636-13-4-4045-0104.
2. **Nature and/or Description of the Action Being Processed:**
This will be a fixed price Service Contract for Qiagen EZ1 Advanced XL DNA Isolator System Service Contract to cover preventive maintenance and emergency repair of equipment
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**
Any other company would not have access to the software keys for this equipment, as they are proprietary. Additionally, they will not sell Original Equipment Manufacturer parts to a third party service company. We cannot allow reverse engineered or refurbished parts to be used in medical equipment. Third party service providers would also not be able to obtain certification of training from the manufacturer, as it is not available. Only certified manufacturer trained personnel should be allowed to work on this equipment. Estimated Cost: \$3190.00. Anticipated period of performance: 7/19/2013 – 7/18/2014.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c)(1), as implemented by FAR 6.302-1.

(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 (applicability of authority):**
This equipment is highly sensitive and specialized for DNA isolation in the HLA (tissue typing) lab. A malfunction of this equipment could cause a mismatch for a transplant. The manufacturer holds parts and service information as proprietary, so there would be no third party service available for full coverage of the equipment, unless reverse engineered or refurbished parts were used, which is unacceptable. Only Original Equipment Manufacturer (OEM) parts may be used. If service were to be performed by a third party, all liability would be on the Iowa City VAMC for any possible equipment malfunctions.

Any other company would not have access to the software keys for this equipment, as they are proprietary. Additionally, they will not sell Original Equipment Manufacturer parts to a third party service company. We cannot allow reverse engineered or refurbished parts to be used in medical equipment. Third party service providers would also not be able to obtain certification of training from the manufacturer, as it is not available. Only certified manufacturer trained personnel are allowed to work on this equipment.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**
Software troubleshooting keys and OEM parts are proprietary to Qiagen and not available to third party organizations therefore we are unable to at this time solicit to other sources. At such time we purchase new equipment we will initiate a competitive procurement.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**
The Contracting Officer will make a fair and reasonable determination utilizing one of the following methods:
1. Comparison of proposed prices received in response to the solicitation.
 2. Comparison of previously proposed prices and previous Government and commercial contract prices with current proposed prices for like items.
 3. Use of parametric estimating methods/application of rough yardsticks to highlight significant inconsistencies that warrant additional pricing inquiry.
 4. Comparison with competitive published price lists, published market prices of commodities, similar indexes, and discount or rebate arrangements.
 5. Comparison of proposed prices with independent Government cost estimates.
 6. Comparison of proposed prices with prices obtained through market research for the same or similar items.
 7. Analysis of pricing information provided by the offeror.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** NONE.
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:**
Qiagen Inc.
9259 Eton Ave
Chatsworth, CA 91311
800-426-8157
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**
Unless 3rd party parts suppliers can provide OEM parts, we cannot award contracts to them. At such time we purchase new equipment we will initiate a competitive procurement.
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.

Katherine M Beardsley

Name: Katherine M. Beardsley
Title: Chief, Biomedical Engineering
Facility: Iowa City VA Health Care System

6/13/2013
Date

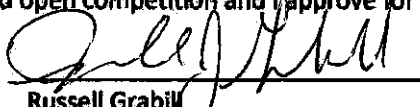
13. Approvals in accordance with FAR 6.304

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


Contracting Officer
NCO 23 - Iowa City

6-18-13
Date

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


Russell Grabill
Facility Contract Manager
NCO 23 - Iowa City

6/18/2013
Date

- c. **SAO (if over 500K):** I certify the justification meets requirements for other than full and open competition.

N/A

Name
Director
Service Area Office, East

Date

- d. **VHA HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$10million) or approve (\$500K to 10 million) for other than full and open competition.

N/A

Name
Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

Date

- e. **VA Deputy Senior Procurement Executive Approval (over \$10 million but not exceeding \$50 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 other than full and open competition.

N/A

C. FORD HEARD
Deputy Senior Procurement Executive (DSPE)
Office of Acquisition and Logistics
Department of Veterans Affairs

Date

- f. **VHA Senior Procurement Executive Approval (over \$50 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 other than full and open competition.

N/A

Jan R. Frye

Date

Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs