

DEPARTMENT OF VETERANS AFFAIRS

**SOLE SOURCE JUSTIFICATION UNDER SIMPLIFIED PROCEDURES FOR
CERTAIN COMMERCIAL ITEMS IN ACCORDANCE WITH FAR 6.301**

Acquisition Plan Action ID: 761-27-1-014-0001

1. **Contracting Activity:** The Department of Veterans Affairs, NCO 15 – CMOP Division - Contracting Office will be procuring this acquisition for three (3) medical surgical products. Contracting office will utilize 2237# 761-27-1-014-0001 for the replenishment of low stock at the Chelmsford CMOP.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for three (3) medical surgical supplies. In accordance with RFO FAR 12.102 Restricting competition and RFO FAR 12.202 Publishing Commercial Product where acquisitions conducted under RFO FAR 12.201-1 Simplified Acquisition Procedures require a justification using the format of RFO FAR 6.301. The proposed procurement action will be a new firm-fixed-price contract.
3. **Description of Supplies/Services Required to Meet the Agency’s Needs:** This is an individual brand name justification to support the procurement of three med/surg products below; for the Chelmsford CMOP. This will be a one-time buy.

ITEM NUMBER	DESCRIPTION	OEM	Country of Origin	MANUFACTURER PART NUMBER (MPN)	QUANTITY		
0001	HEAT & MOISTURE EXCHANGER, PROVOX #8262	Atos Medical	Switzerland	PROVOX 8262	720		
0002	ONE TOUCH VERIO (GLUCOSE) TEST STRIP (O0346)	OneTouch	United Kingdom	O0346	2400		
0003	CATH SET, INTERMIT 14FR H#96144 (XV066)	Hollister	India	96144	400		

4. **Statutory Authority Permitting Restricted Competition:**
The statutory authority for applying the Simplified Procedures for Commercial Items of RFO FAR 6.301 is 10 U.S.C. § 3204(a)(5) & 41 U.S.C. § 3204(a)(5) and is implemented by RFO FAR 12.102 for restricting competition on this procurement.

Competition is restricted on this procurement for the reasons below:

(X) Only One Responsible Source and No Other Supplies or Services Will Satisfy
Agency Requirements

5. **Demonstration that the Contractor’s Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**
Products have been prescribed for patients by VA physicians. Pharmacy employees do not have the training and/ or authority to countermand physician’s orders. **“Brand Specific” products are the same thing as “dispense as written” on a physician’s prescription. No National Drug Code (NDC) substitutions are permitted.** In the VA, Pharmacy Benefits Management (PBM) has determined that CMOP IDs in the Manufacturer Part Number (MPN) will always identify “brand specific products in the “VA PRINT NAME” This is not

always inclusive where a particular NDC has been determined to be “formulation specific” by clinical evaluation performed by the PBM or in the case where only one product in the marketplace has been identified to contain the specific ingredients to match the product code or work in coordination with brand name, medical surgical equipment.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A Sources Sought notice was posted from August 13, 2026, through August 19, 2026, to identify domestic sources and evaluate potential equivalent products for the three requested medical/surgical line items.

Two Responses were received. The two vendors identified potential alternatives for each of the items; however, the market research, and subject matter experts determined that none of the proposed alternatives met the required compatibility, functional, and clinical-use specifications of the station-requested products.

Based on the results of the Sources Sought notice and technical evaluation of the responses received, no domestic equivalent products were identified that satisfy the requirements for the three requested items.

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** Contracting Officer anticipates cost of award will be fair and reasonable based on competition, the Independent Cost Government Estimate (IGCE), and previous acquisition cost history for the same requirements.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The Consolidated Mail Outpatient Pharmacy (CMOP) determined that these medical-surgical items are not available through mandatory sources (e.g., prime vendor) and therefore submitted the requirement to Network Contracting Office (NCO 15) for acquisition support. The requirement is for a brand-specific Med/Surg items identified by Manufacturer Product Number (MPN) and product names.

- **ATOS Medical Provox – Heat & Moisture Exchanger, Provox Item #8262.**
- **ONE TOUCH VERIO (GLUCOSE) TEST STRIP 100CT.**
- **Hollister, CATHETER SET, INTERMIT 14FR H#96144.**

Medical-surgical items are not listed on the National Institutes of Health (NIH) U.S. National Library of Medicine DailyMed website. In lieu of DailyMed, the search began with the VA Image Library, which confirmed the manufacturers/OEMs as **ATOS Medical, OneTouch and Hollister.**

A sources sought was issued seeking domestic equivalents – to be reviewed by the pharmaceutical staff. Two vendors responded and none of the suggested products meet the technical requirements to be a suitable domestic substitute.

After confirming the OEMs, additional searches were conducted in VetCert and SBA’s Dynamic Small Business Search (DSBS) databases. ATOS Medical, Hollister and One Touch do not appear in the SBA database, and only three vendors were identified under NAICS code 325413, none of which are SDVOSB.

The three (3) OEMs were searched in SAM.gov and found to be an active and registered as a large business manufacturer under NAICS code 325413.

The NAC was also searched – as Altos has a NAC contract. The requested item is not in the NAC contract and therefore must go open market. The NAC and OEM were both contacted about adding the item to the current contract and the OEM is starting the process. The other two items are not on any NAC/FSS/GSA contract.

The Contracting Officer reviewed the Non-Manufacturer Rule (NMR). Under 13 CFR 121.406(b), at least two small businesses identify themselves as authorized distributors. These firms have 500 or fewer employees, operate in the retail/wholesale trade for pharmaceuticals, and take ownership or possession of the products through their facilities or personnel.

Market research shows that all three OEMs—Altos Medical, OneTouch/ Lifescan and Hollister—are large businesses, and their products are also manufactured outside the United States.

The Contracting Officer confirmed there is a class waiver for diabetic test strips (Medical Surgical Supplies) under NAICS 325413, but no waiver applies to the remaining two (2) items. As a result, this acquisition will be split:

- The diabetic test strips will be solicited as a SDVOSB set-aside.
- The remaining items will be competed on a full and open basis because the OEMs are large businesses and the products are manufactured non-domestically.

A small business set-aside for these remaining items is not feasible because no small business manufacturers currently exist and that would allow compliance with the NMR.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** These items are Brand Name/ Dispense as written only. Per FAR 25.01(a)(5) the use of the sole source justification for brand name only - is an exception to the use of trade agreements. Therefore, BAA applies. A pre-RFQ, BAA waiver will be submitted for approval. Furthermore, the sources sought confirmed that there are presently no domestic equivalent product available.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Two Vendors responded to the sources sought and previous procurements of like items have generated between 3-20 responses. Therefore, it is expected that competition will be present.

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 NAC was also searched – as Altos has a NAC contract. The requested item is not in the NAC contract and therefore must go open market. The NAC and OEM were both contracted about adding the item to the current contract and the OEM is starting the process. The other two items are not on an NAC/FSS/GSA contract.

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.

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

Signature: CHARLENE NYE (Affiliate) Digitally signed by CHARLENE NYE (Affiliate)
Date: 2026.09.21 09:45:15 -07'00'
Charlene Nye
Contract Specialist
Network Contracting Office (NCO 15) – CMOP Division

Signature: JENNIFER KNIGHT Digitally signed by JENNIFER KNIGHT
Date: 2026.09.21 11:47:55 -05'00'
Jennifer Knight
Contract Specialist
Network Contracting Office (NCO 15) – CMOP Division

Signature: KELLEY CUNNINGHAM Digitally signed by KELLEY CUNNINGHAM
Date: 2026.09.22 08:39:34 -05'00'
Kelley Cunningham
Contracting Officer
Network Contracting Office (NCO 15) – CMOP Division