

Date: **August 19, 2013**

SUBJECT: Justification For Other Than Full and Open Competition – **TB Lab Reagents, BD MGIT reagents and testing kits**

Dear Prospective Quoter:

The Embassy of the United States of America in Gaborone, Botswana has a requirement for a contractor to provide **TB Lab Reagents, BD MGIT reagents and testing kits**. The Embassy Plans to award a purchase order to Becton International. The estimated cost is \$41,000. This Justification For Other Than Full and Open Competition (JOFOC) does not commit the American Embassy to make any award. The Embassy may cancel this JOFOC or any part of it.

Please submit all questions by phone or emailed to the below e-mail address on or before September 4, 2013, 4:30pm.

Direct any questions regarding this request for quotations to the Embassy Contracting Office telephone #: **(373-2356)** Fax: 395-3951 or email: **gabprocurement@state.gov** during regular business hours.

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
(OVERSEAS CONTRACTING ACTIVITIES)**

1. I request that the Embassy use other than full and open competition for the acquisition of **TB Lab Reagents, BD MGIT reagents and testing kits. The estimated cost is \$41,000.**

2. Indicate how the supplies or services required meet your agency need, as well as the proposed contractor's unique qualifications:

These reagents are used for conducting liquid culture in the MGIT machine in the TB lab. The equipment used to conduct these tests are BD MGIT machines. Therefore, only BD reagents can be used in these machines. These reagents are required by BD who is also the manufacturer of the machine.

3. Circumstances permitting other than full and open competition (check any that apply):

x In accordance with 41USC(c)(1), FAR 6.302-1, Only one responsible source and no other supplies/services will satisfy agency requirements

- Unique/innovative research proposals:

- Follow-on contract for the continued development of a major system or specialized equipment that if awarded to another source would cause substantial costs to the government or unacceptable delays.
- The existence of limited rights in data, patent rights, copyrights, processes or raw materials make the supplies or services available from only one source
- Utility services (monopoly's)
- Agency standardization programs

Unusual and compelling urgency

- Delay in the award of the contract would result in serious injury, financial or other, to the Government.

International Agreement

- Acquisition will be reimbursed by a foreign country that requires (in an official written direction) the product to be obtained from a particular firm
- Acquisition is for services/supplies to be performed in the sovereign territory of another country and the terms of a treaty or agreement specify or limit sources.

Authorized or required by statute

- Federal Prison Industries (UNICOR)
- Qualified Nonprofit Agencies for the Blind or other Severely Disabled
- Government Printing and Binding
- Sole source awards under the 8(a) Program

- Robert T. Stafford Disaster Relief and Emergency Assistance Act
- Sole source awards under the HUBZone Act of 1997
- Sole source awards under the Veterans Benefits Act of 2003

National Security

- Disclosure of agency needs would compromise the national security unless the agency is permitted to limit the number of sources from which it solicits bids or proposals.

Public Interest

- Agency head (Secretary of Defense, Secretary of the Army, etc.) determines it is not in the public interest for the particular acquisition concerned.

4. Please describe any efforts you have made to locate other sources for the mentioned supplies/services, and actions you have taken to make this acquisition open to competition:

Only BD produces these specific reagents which must be used with the BD lab equipment. This is a scientific product and we found that this is the only company that can provide this product because they are the manufacture of the machine and only allow their product to be used in the machine. Market research was conducted to attempt to identify other vendors. A thorough google search was conducted on July 20, 2013 and no other vendors were identified.

5. Have any sources expressed an interest in this acquisition? No/Yes

If yes, please list: **BD**

6. Certifications

I certify that this justification is accurate and contains complete data necessary to support the recommendation for other than full and open competition

Date	Name	Requesting Office
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Date	Name	Contracting Officer
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