

**JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN
COMPETITION – Four Wheel Drive Toro Workman Model HDX-D Utility Vehicle
and Motorized Casket Carrier**

1. **Agency.** Department of Veterans Affairs (VA), National Cemetery Administration, Contracting Service.
2. **Nature and/or description of the action being approved.** NCA intends to award a GSA (GS-07F-5432R) Delivery Order to The Toro Company Incorporated for Four Wheel Drive Toro Workman Model HDX-D Utility Vehicle and Motorized Casket Carrier. NCA Contracting Service intends to negotiate a sole source contract with The Toro Company Inc. under the authority of FAR 6.302-1 for a one time contract award to procure equipment stated above.
3. **A description of the supplies or service required to meet the agency's need (including the estimated value).** This action is for the sole source acquisition of Four Wheel Drive Toro Workman Model HDX-D Utility Vehicle and Motorized Casket Carrier for Bay Pines National Cemetery, located in Bay Pines, FL. The value of this requirement is \$33,901.88.
 - a. The Toro Company Inc. presently is the only vendor that provides a custom vehicle and equipment designed for cemetery operations. This is a critical element of the NCA Interment Services Program.
 - b. The Toro Company Inc. is the only vendor that has a patent on the Casket Carrier that includes partnership with NCA under Patent Number US 7,340,811 B2, dated March 11, 2008. This is a critical element of the program. (See attached copy of patent rights).
4. **An identification of the statutory authority permitting other than full and open competition.** 10 U.S.C. 2304(c) (1), FAR Subpart 6.302-1, "Only one responsible source and no other supplies or services will satisfy agency requirements."
5. **A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.** The Toro Company Inc. is the only vendor that provides a Four Wheel Drive Toro Workman Model HDX-D Utility Vehicle and Motorized Casket Carrier to meet the needs of cemetery operations. Due to the proprietary rights under the patent, sole source procurement is appropriate.

6. A description of efforts made to ensure that offers are solicited from as many potential sources as practicable, including whether a notice was or will be publicized as required by FAR Subpart 5.2 and, if not, which exception under FAR Subpart 5.202 applies. A special notice (VA786-14-I-0347) was posted on www.fbo.gov inviting responsible parties to submit a capability statement for consideration by the government. Zero (0) responses were received.
7. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable. The contracting officer has determined the price to be fair and reasonable per previous pricing for this type of service.
8. A description of the market research conducted (see Part 10) and the results or a statement addressing why market research was not conducted. I have contacted the previous Contracting Officer and the NCA Safety Officer that are knowledgeable regarding this requirement and have been informed only The Toro Company, Inc. has the unique capabilities to meet the agency requirement. Additionally, a special notice was posted on www.fbo.gov inviting responsible parties to submit a capability statement for consideration by the government. Zero (0) responses were received.
9. Any other facts supporting the use of other than full and open competition, such as: The services of The Toro Company Inc. have been successful in meeting the needs of NCA in the past. They have proven to be reliable and have tailored their service to meet the needs of NCA. There are no comparable businesses available to NCA for similar training needs.
10. A listing of the sources, if any, that expressed in writing, an interest in the acquisition. Not applicable.
11. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required. At the present time there are no known barriers to competition for subsequent acquisition of the services described herein.

12. Contracting officer's certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief. I

hereby certify that this request for Justification and Approval of other than Full and Open competition is made in good faith, that the supporting data and information are accurate and complete to the best of my knowledge and belief, and that I would not be making this request if it were feasible to fully compete this requirement. I further certify that this request is not the result of lack of advance planning or desire to expend funds while those funds are still available.

Suzanne Childs
SUZANNE CHILDS
Purchasing Agent

Date: August 28, 2014

I concur / Non-concur. *w/ exercising our own intent*

[Signature]
ROBELTO (ROB) JOSHUA
Chief, NCA Contracting Service

Date: 8/28/14

I concur / Non-concur.

[Signature]
TRACEY BOYD VEGA
Director, NCA Contracting Services

Date: 9/3/2014

Approval / Disapproval.

[Signature]
THOMAS M. MIUR
Deputy Under Secretary for Management

Date: 9/8/2014