



DEPARTMENT OF VETERANS AFFAIRS
National Cemetery Administration
Centralized Contracting Division (41D3A)
75 Barrett Heights Road, Suite 309
Stafford, Virginia 22556

July 9, 2015

MEMORANDUM FOR FILE: Purchase Order VA786-16-P-0001

FROM: Kenneth Dougherty, Contracting Officer

SUBJECT: SOLE SOURCE JUSTIFICATION, MACKINAC ISLAND GROUNDS MAINTENANCE SERVICES

Enclosure: (1) Public Law 101-237-DEC. 18, 1989 §505 *Operation of Certain Cemetery*

The Department of Veterans Affairs (VA), National Cemetery Administration (NCA), has a requirement for grounds maintenance services at Mackinac Island National Cemetery for the period of October 1, 2015 through September 30, 2016. This requirement, which is being solicited, represents commercial services which are available to the general public and are not unique and/or exclusively for governmental purposes. There is no cost associated with modifying or tailoring the supplies to meet the government's needs. However, the requirement does need to be fulfilled by the State of Michigan in accordance with Public Law 101-237-DEC. 18, 1989 §505 *Operation of Certain Cemetery*.

In accordance with FAR Part 6.302-5(a)(2)(i) Full and open competition need not be provided for when a statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source. Hence, in accordance with Public Law 101-237-DEC. 18, 1989 §505 *Operation of Certain Cemetery*, "The Secretary of Veterans Affairs shall enter into contract with the State of Michigan, or the appropriate State agency thereof, under which the Secretary shall, beginning not later than July 1, 1990, operate and maintain the cemetery located in Mackinac Island State Park, Michigan, in accordance with standards applicable to cemeteries in the National Cemetery System."

The Contracting Officer has determined it is in the best interest of the Government for this acquisition to be awarded to the State of Michigan. It is the Contract Officer's determination that there are no alternatives to fulfilling the agency's requirements and not awarding the solicitation to the State of Michigan would result in nonperformance or acting contrary to legal statute.

The total cost of this acquisition is not anticipated to exceed the Simplified Acquisition Threshold. Total cost is estimated not to exceed \$10,895.00 and has been determined to be fair and reasonable.

I certify that the justification is accurate and complete to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "Kenneth M. Dougherty".

Kenneth M. Dougherty
Contracting Officer

Public Law 101-237
101st Congress

An Act

Dec. 18, 1989
[H.R. 901]

To amend title 38, United States Code, to provide a 4.7 percent cost-of-living adjustment in rates of disability compensation for veterans with service-connected disabilities and in rates of dependency and indemnity compensation for survivors of veterans dying from service-connected causes and to improve certain veterans health-care, education, housing, and memorial affairs programs; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans'
Benefits
Amendments of
1989.

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

38 USC 101 note.

(a) SHORT TITLE.—This Act may be cited as the “Veterans’ Benefits Amendments of 1989”.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DEFINITIONS.

(a) TITLE 38, U.S.C.—Section 101(1) is amended to read as follows:
“(1) The terms ‘Secretary’ and ‘Administrator’ mean the Secretary of Veterans Affairs, and the terms ‘Department’ and ‘Veterans’ Administration’ mean the Department of Veterans Affairs.”.

(b) THIS ACT.—For purposes of this Act, the term “Secretary” means the Secretary of Veterans Affairs.

TITLE I—COMPENSATION AND PENSION

PART A—COMPENSATION RATE INCREASES

SEC. 101. DISABILITY COMPENSATION.

(a) 4.7 PERCENT INCREASE.—Section 314 is amended—

(1) by striking out “\$73” in subsection (a) and inserting in lieu thereof “\$76”;

(2) by striking out “\$138” in subsection (b) and inserting in lieu thereof “\$144”;

(3) by striking out “\$210” in subsection (c) and inserting in lieu thereof “\$220”;

(4) by striking out “\$300” in subsection (d) and inserting in lieu thereof “\$314”;

(5) by striking out “\$426” in subsection (e) and inserting in lieu thereof “\$446”;

(6) by striking out “\$537” in subsection (f) and inserting in lieu thereof “\$562”;

(7) by striking out “\$678” in subsection (g) and inserting in lieu thereof “\$710”;

(8) by striking out “\$784” in subsection (h) and inserting in lieu thereof “\$821”;

SEC. 503. MEMBERSHIP ON AMERICAN BATTLE MONUMENTS COMMISSION.

The first section of the Act entitled "An Act for the creation of the American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes" (36 U.S.C. 121), approved March 4, 1923, is amended by striking out "commissioned officers" in the third sentence and inserting in lieu thereof "members".

SEC. 504. GRAVE LINERS.

(a) **IN GENERAL.**—Subsection (e)(1) of section 906 is amended by striking out the first sentence and inserting in lieu thereof the following: "The Secretary of Veterans Affairs shall provide a grave liner for each new grave in an open cemetery within the National Cemetery System in which remains are interred in a casket."

38 USC 906 note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to interments that occur after January 1, 1990.

SEC. 505. OPERATION OF CERTAIN CEMETERY.Michigan.
Contracts.

The Secretary of Veterans Affairs shall enter into a contract with the State of Michigan, or the appropriate State agency thereof, under which the Secretary shall, beginning not later than July 1, 1990, operate and maintain the cemetery located in Mackinac Island State Park, Michigan, in accordance with standards applicable to cemeteries in the National Cemetery System.

TITLE VI—MISCELLANEOUS**SEC. 601. EXPANSION OF MULTIYEAR PROCUREMENT AUTHORITY TO INCLUDE NON-MEDICAL ITEMS.**

(a) **EXPANSION OF AUTHORITY.**—Section 114 is amended—

(1) in subsection (a), by striking out "for use in Veterans' Administration health-care facilities";

(2) in subsection (b)(2)(A), by striking "health-care"; and

(3) in subsection (e)—

(A) by striking out paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) **CLERICAL AMENDMENTS.**—(1) The heading of such section is amended to read as follows:

"§ 114. Multiyear procurement".

(2) The item relating to such section in the table of sections at the beginning of chapter 1 is amended to read as follows:

"114. Multiyear procurement."

SEC. 602. COURT OF VETERANS APPEALS.

(a) **JUDICIAL PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS.**—

(1) Section 308 of the Ethics in Government Act of 1978 (28 U.S.C. App. 308) is amended—

(A) in clause (9), by inserting "United States Court of Veterans Appeals," after "Appeals,"; and

(B) in clause (10)—

(i) by striking out "or" the first place it appears; and

(ii) by inserting a comma and "or of the United States Court of Veterans Appeals" after "Appeals".