

JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN  
COMPETITION – Heavy Equipment Operator Training

1. Agency. Department of Veterans Affairs (VA), National Cemetery Administration, Centralized Contracting Division (CCD), 75 Barrett Heights Road, Suite 309, Stafford, VA 22556
2. Nature and/or description of the action being approved. NCA CCD intends to award a contract to Caterpillar Incorporated for Heavy Equipment Operator Training. This will be a sole source award contract with Caterpillar Incorporated under the authority of FAR 6.302-1 for a one time contract award of these training services.
3. A description of the supplies or services required to meet the agency's need (including the estimated value. This action is for the sole source acquisition of the training services for NCA Heavy Equipment Operators. Course curriculum is designed to address the Board of Inquiry's/OSHA's concerns and the uniqueness of heavy equipment operation in a cemetery environment to ensure NCA has a certified equipment operator and alternate in place at each location. This training complies with OSHA Regulations (Standards 29 CFR 1910.178, 1926.600 and 1960.59.) and gives equipment operators the basic knowledge, skills and abilities to perform their duties safely. The training curriculum progressively takes equipment operators from basic control orientation up through complex machine applications tasks by using a series of 6 training modules. This program features a unique instructional design whereby equipment operators move through increasingly more difficult modules, building on skills learned in earlier modules.

Caterpillar Edwards Demonstration and Learning Center (EDLC) – Edwards, IL provides Heavy Equipment Operator Training (EOT) for several Local, State and Federal Government Agencies throughout the United States. Listed below are the attributes EDLC provides to the National Cemetery Administration (NCA).

Caterpillar, Inc. (Edwards Demonstration and Learning Center)  
5801 North Smith Road  
Edwards, IL 61528  
Phone: (309) 578-5349  
Fax: (309) 992-7085

- a. EDLC is the only vendor that provides a custom EOT Program package designed for cemetery operations and cemetery equipment. This is a critical element of the program. All other vendors provide a standard EOT Program package designed for General Industry specializing in heavy construction equipment only:
  - i. National Association of Heavy Equipment Training Schools

- ii. Local 428 Heavy Equipment Operator Training School, Case Grande, AZ
  - iii. ATS – Heavy Equipment, Freeport, TX
- b. EDLC is the only vendor that provides Dump Truck Safety operator training as part of the EOT Program package. This is a critical element of the program.
- c. EDLC is located within a few minutes of a VA Medical Facility allowing NCA employees the opportunity to seek medical treatment through the Employee Health Physician for any illness or injury while at the training facility. This is a critical element of the program.
- d. EDLC is the only vendor that provides a Virtual Training Systems (VTS) as part of the training package. VTS includes several personal simulators as part of the training curriculum. VTS equipment is state-of-the-art technology to meet the growing need to provide qualified operators to the workforce. VTS is designed to train and orient an entry-level operator on basic machine operation, skills and application knowledge. VTS is designed to improve operating efficiencies of experience operators. VTS is designed to provide instant feedback to the operator to show where improvement is needed. This is a critical element of the program.
- e. EDLC is the only vendor that provides an AccuGrade Backhoe Loader Site Reference System (ABLSRS) as part of the training package. ABLSRS equipment is state-of-the-art technology designed to provide the operator with bucket positioning, ability to dig a defined grade, set desired grade and slope, reads simple measurements, reads straight line distances and reads slope between points. A few benefits of the ABLSRS technology are: Reduces surveying cost, reduces man-hours, eliminates additional ground guide staff and improve digging proficiency. This is a critical element of the program.
- f. EDLC provides lunch at the training facility. Lunch costs are at or below the Government Rate (GR). Benefit for lunch being provided at the training facility are: Allows the attendees to spend more time at the training facility on EOT saving the Government time and funds.
- g. NCA greatly benefits from EDLC EOT Program package. A few of these benefits are: gives the attendees more opportunity to interact and develop a network of equipment operators to share the lessons learned concept.



4. An identification of the statutory authority permitting other than full and open competition. The statutory authority for these services is found at FAR Part 6. The exceptions which permit use of the cited statutory authority are stated at FAR Subpart 6.302-1(b) (3), "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. Caterpillar Edward Demonstration and Learning Center is the only vendor that provides custom Heavy Equipment Operator Training to meet the needs of cemetery operations and cemetery equipment. Due to the nature of different types of the training, any delays in obtaining this training service will not be recovered through competition; therefore, sole source procurement is appropriate to award this contract.
6. A description of efforts made to ensure that offers are solicited from as many potential sources as I 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. For the reasons stated in paragraph 5 above, full and open competition is not reasonable for this contract due to the availability of only one responsible source. This Justification and Approval shall be posted to FedBizOpps (FBO) along with the award.
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. A Request for Information (RFI) was posted to FBO for 5 days to see if there were any Service Disabled Veteran Owned Small Business (SDVOSB), Veteran Owned Small Business (VOSB), or Small Businesses able to meet the requirement. There were no responses from SDVOSB, or VOSB businesses. One Small Business responded to the RFI. Upon further research it was discovered that the Small Business did not have the capability of meeting the requirement. Several training facilities were contacted but, they were unable to provide the services requested. Vendors contacted:
  - a. National Association of Heavy Equipment Training Schools
  - b. Local 428 Heavy Equipment Operator Training School, Case Grande, AZ
  - c. ATS – Heavy Equipment, Freeport, TX
9. Any other facts supporting the use of other than full and open competition, such as: The services of Caterpillar Incorporated 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. Signatures and approvals:

Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and compete to the best of my knowledge and belief.

  
Name:  Date \_\_\_\_\_  
Title: Deputy Director for Training  
Organization: National Cemetery Administration (NCA)

13. Contracting Officer's certification: I hereby determine that the proposed contract action will represent best value to the Government and certify that this justification is accurate and complete to the best of my knowledge and belief.

  
Name:  Date \_\_\_\_\_  
Title: Contracting Officer  
Organization: National Cemetery Administration (NCA) Contracting Service