

**NATIONAL CEMETERY ADMINISTRATION (NCA)**

**LIMITED SOURCE JUSTIFICATION and APPROVAL**

10 USC 2304(c) or 41 USC 253(c)

1. REQUISITION/ CONTRACT No.	2. TOTAL ESTIMATED COST:	3. PROPOSED CONTRACTOR:	4. REQUESTING ACTIVITY:	5. CONTRACTING ACTIVITY:
PR# 7868-000329	[REDACTED]	[REDACTED]	Station: National Cemetery Administration [REDACTED]	Station: National Cemetery Administration Contracting Officer: [REDACTED]

**6. STATUTORY AUTHORITY: AUTHORITY PERMITTING THE USE OF OTHER THEN FULL AND OPEN COMPETITION**

FAR 8.405-6

(A) Orders or BPAs exceeding the micro-purchase threshold based on a limited sources justification.

(1) Circumstances justifying limiting the source.

(i) Order or BPA with an estimated value exceeding the micro-purchase threshold not placed or established in accordance with the procedures in [8.405-1](#), [8.405-2](#), or [8.405-3](#):

(A): An urgent and compelling need exists, and following the procedures would result in unacceptable delays;

(B): Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized; and Veterans Affairs Acquisition Regulation (VAAR) 819.7007 (A) (3) (4) (C) (D) Sole source awards to a verified service-disabled Veteran-owned small business.

(C): In the interest of economy and efficiency, the new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order or BPA must not have been previously issued under sole-source or limited-sources procedures.

FAR 8.405-6 (B) *Items peculiar to one manufacturer*. An item peculiar to one manufacturer can be a particular brand name, product, or a feature of a product, peculiar to one manufacturer). A brand name item, whether available on one or more schedule contracts, is an item peculiar to one manufacturer.

(1) Brand name specifications shall not be used unless the particular brand name, product, or feature is essential to the Government's requirements, and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency's needs.

**7. NATURE AND/OR DESCRIPTION OF THE ACTION BEING APPROVED:** This action will be awarded as a new sole source contract to a Service Disabled Veteran Owned Small Business (SDVOB) in accordance with Federal Acquisition Regulation (FAR) 8.405-6 (B) **Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized and Veterans Affairs Acquisition Regulation (VAAR) 819.7007 (A) (3) (4) (C) (D) Sole source awards to a verified service-disabled Veteran-owned small business.** The Government intends to award a firm-fixed price (FFP) Federal Supply Schedule (FFS) Order in accordance with FAR PART 8.4 to provide a study on matters related to locating and providing appropriate honors for the interment of unclaimed remains of Veterans in National Cemeteries. This study is in response to a requirement issued by Congress in H.R. 6416, SEC. 303 (Public Law No: 114-315).

The matters studied shall include the following:

- (1) Determining the scope of issues relating to unclaimed remains of Veterans, including an estimate of the number of unclaimed remains of Veterans.
- (2) Assessing the effectiveness of the procedures of the Department of Veterans Affairs for working with persons or entities having custody of unclaimed remains to facilitate interment of unclaimed remains of Veterans in National Cemeteries under the control of the National Cemetery Administration.
- (3) Assessing State and Local laws that affect the ability of the Secretary to inter unclaimed remains of Veterans in National Cemeteries under the control of the National Cemetery Administration.
- (4) Developing recommendations for such legislative or administrative action as the Secretary considers appropriate.

**8. A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS, INCLUDING THE ESTIMATED VALUE:** Funding estimates were based on actual costs for similar work performed by an SDVOB on previous work – the NCA Customer Satisfaction Survey. We believe the actual costs for previous similar work, with an inflation adjustment, provide a sound basis for the Independent Government Cost Estimate (IGCE). The Government also utilized past contract pricing and informal vendor estimates to establish the baseline/target price of the IGCE. The estimated dollar value of this procurement in accordance with the IGCE is [REDACTED].

**9. A DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED:** The statutory authority permitting other than full and open competition for this requirement is (FAR) 8.405-6 (B) **Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized;**

- [REDACTED], through ongoing work with the National Cemetery Administration Customer Satisfaction Survey (which addresses families and funeral directors), has a working relationship with and knowledge of practices within NCA that are relevant to the further study of identification and enumeration of unclaimed remains of Veterans throughout the U.S.
- Work on the Customer Satisfaction Survey has allowed [REDACTED] to identify certain administrative and procedural points that are relevant to full understanding of the matter of Unclaimed Remains, and the factors relevant to mitigation of this nationwide issue.
- Experience in communications. [REDACTED] not only has experience providing support to U.S. Federal Government Agencies, but also in working and communicating with State and Local Governments, and non-profit/non-governmental agencies. It is this experience in communication across a wide spectrum of government and service organizations that will allow [REDACTED] to quickly move forward with this study and deliver in a timely manner.
- [REDACTED] has experience both with surveys and research, but also compiling and analyzing data. Work with NCA on the annual Customer Satisfaction Survey has given them experience with our unique point of view for providing service not only to the living next of kin, but also to the Veterans and family members who are interred in our national cemeteries, in our partner state or tribal Veterans cemeteries, or who come to NCA for our wide range of memorial products or recording the heritage and legacy of the Veterans we serve. This is a perspective to NCA, and one that takes a new provider time to learn and fully understand. This provides a baseline for understanding how, and with whom this work process can effectively be accomplished.
- Through the work on the Customer Satisfaction Survey, [REDACTED] is already aware of regional differences as they affect interment practices, and can apply that to explaining data collected through this assessment of unclaimed remains.

- The existing relationship will facilitate the rapid start-up of this new project, allowing NCA to meet the Congressionally imposed deadlines established by Section 303 of PL 114-315, the "Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Enhancement Act of 2016."

**10. A DESCRIPTION OF THE EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICABLE, INCLUDING WHETHER A NOTICE WAS OR WILL BE PUBLICIZED IN REQUIRED BY SUBPART 5.2 AND, IF NOT, WHICH EXCEPTION UNDER 5.202 APPLIES:** A Sources Sought was posted on FedBizOpps for this requirement. When the Sources Sought closed, two responses were received on 21 September 2017, 1-SDVOSB with a GSA Schedule Contract for the requested services and 1-Large Business. Since this procurement is for commercial services, priority sourcing in accordance with FAR Part 8.002 and VAAR 808.002 must be utilized. FAR Part 8.002 (1) (i) states that agency inventories must be evaluated first to determine whether or not the requested commercial supplies/services can be acquired utilizing Government portfolios. The SDVOSB who submitted a response to the RFI is a current GSA Federal Supply Schedule Contract Holder and possesses the capabilities required to suffice the needs of the Government.

**11. A DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE:** The anticipated cost associated with this procurement is [REDACTED]. The selected SDVOSB is a current GSA Federal Supply Contract Holder and provided pricing rates posted on their GSA Pricing Catalog. In accordance with FAR 8.404 (d) Pricing, Supplies offered on the schedule are listed at fixed prices. Services offered on the schedule are priced either at hourly rates, or at a fixed price for performance of a specific task (e.g., installation, maintenance, and repair). GSA has already determined the prices of supplies and fixed-price services, and rates for services offered at hourly rates, under schedule contracts to be fair and reasonable. Therefore, ordering activities are not required to make a separate determination of fair and reasonable pricing, except for a price evaluation as required by 8.405-2(d).

**12. A DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:** In accordance with FAR Part 10.002 (2) and (b) (1), methods used to conduct market research consisted of reviewing the results of recent market research undertaken to meet similar or identical requirements, querying the Government wide database of contracts and other procurement instruments intended for use by multiple agencies as well as other Government and commercial databases that provide information relevant to agency acquisitions. Methods also included reviewing catalogs and other generally available product literature published by manufacturers, distributors, and dealers. The methods were conducted in a manner that sought to determine the best acquisition strategy to acquire the items requested by the customer and meet the needs of the Government. In accordance with FAR Sub-Part 19.1405, a Service Disabled Veteran Owned Small Business (SDVOSB) Set-Aside was considered first priority.

**13. ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION:** There are currently no other supporting facts for the use of Other Than Full and Open Competition to be utilized at this time. All current and relevant information involved with the use of Other Than Full and Open Competition has been provided within this justification document.

**14. A LISTING OF THE SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION:** There were no other sources that expressed interest in writing or in any other capacity about this acquisition.

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This justification has been prepared under the authority as set forth in FAR 8. This Justification documentation shall conform to guidance in FAR Part 8 405-6 for acquisitions using Federal Supply Schedule guidelines. The documentation shall conform to guidance in FAR Part 8, Department of Veteran Affairs Acquisition Regulation and NCA Procurement Information Policy.

Orders placed under Federal Supply Schedules are exempt from the requirements in Part 6. However, an ordering activity must justify its action when restricting consideration-

(1) Of schedule contractors to fewer than required in [8.405-1](#) or [8.405-2](#); or

(2) To an item peculiar to one manufacturer (e.g., a particular brand name, product, or a feature of a product, peculiar to one manufacturer). A brand name item, whether available on one or more schedule contracts, is an item peculiar to one manufacturer. Brand name specifications shall not be used unless the particular brand name, product, or feature is essential to the Government's requirements, and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency's need.

Circumstances that may justify restriction cited in paragraph (a) (1) of this subsection includes one of the above subsections in FAR 8.405-6.

#### 15. CERTIFICATION AND SIGNATURE APPROVALS:

Pursuant to FAR 1.707 Signature Authority, this Justification has been thoroughly reviewed and recommends approval. I certify that the above facts and representations under my cognizance that are included in this Justification are accurate and complete to the best of my knowledge and belief.

Concur	TITLE	TYPED NAME	SIGNATURE	DATE
<input type="checkbox"/>	[REDACTED]	[REDACTED]		[REDACTED]
<input type="checkbox"/>	[REDACTED]	[REDACTED]		[REDACTED]