

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval (J&A) For Other Than Full and Open Competition (>\$150K)

Acquisition Plan Action ID: VA786-18-AP-0462

1. **Contracting Activity:** Department of Veterans Affairs, National Cemetery Administration, 75 Barrett Heights Road, Suite 309, Purchase Request Number 7878-000005.
2. **Nature and/or Description of the Action Being Processed:** NCA CCD intends to award a contract to Caterpillar Incorporated for Heavy Equipment Operator Training. CCD intends to negotiate a sole source contract with Caterpillar Incorporated under the authority of FAR 6.302-1 for a base period and four, one year options.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This action is for the sole source acquisition of the training services for NCA Heavy Equipment Operators.

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).

- 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:
- 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 ABLRS 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 includes lodging for the attendees as part of the tuition cost. Lodging cost is provided at the Government Rate (GR) or at less than the GR.
- g. EDLC provides lunch only at the training facility. Lunch costs are at or below the Government rate (GR). Allows the attendees to spend more time at the trainif facility on EOT saving the Government time and funds. All other meals will be at the employees expense.
- h. EDLC provides transportation as part of the tuition cost. Transportation is provided for attendees while attending the EOT Program. Travel funds for local transportation (rental cars) are not authorized for attendees. In most circumstances, there is only one (1) vehicle available for attendees to use for transportation to/from the airport, to/from dining establishments throughout the city and to/from other local activities. Attendees are normally required to share the local shuttle service with other hotel guest.
- i. NCA greatly benefits from EDLC conclusive EOT Program package which includes tuition, meals, lodging and transportation. A few of these benefits are: Gives the opportunity for attendees to spend more time bonding with each other for a more effective method of team building. Gives the attendees more opportunity to interact and develop a network of equipment operators to share the lessons learned concept. Gives the training provider effective negotiating tools with meal providers to control the quality of meals (other than fast food), variety of meals and quantity of meals provided at a lower cost to the Government. This solution reduces the amount of stress the attendees experience in deciding where to eat, when to eat, what to eat and how to get to a place to eat. This concept provides for a better overall environmental for the attendee's personal safety and well being.

**4. Statutory Authority Permitting Other than Full and Open Competition:**

- (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;  
(c) Application for brand-name descriptions.

(1) An acquisition or portion of an acquisition that uses a brand-name description or other purchase description to specify a particular brand-name, product, or feature of a product, peculiar to one manufacturer—

- (2) Unusual and Compelling Urgency per FAR 6.302-2;
- (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- (4) International Agreement per FAR 6.302-4
- (5) Authorized or Required by Statute FAR 6.302-5;
- (6) National Security per FAR 6.302-6;
- (7) Public Interest per FAR 6.302-7;

**5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

Caterpillar Edward Demonstration and Learning Center is the only vendor that provides a Heavy Equipment Operator Training to meet the needs of cemetery operations and cemetery equipment and utilizes simulation. Due to the nature of different types of the training that meet with OSHA regulation and provide simulation on equipment, any delays in obtaining this Training service will not be recovered through competition.

To comply with OSHA Regulations (Standards 29 CFR 1910.178, 1926.600 and 1960.59.) and to give equipment operators the basic knowledge, skills and abilities to perform their duties safely. Market research revealed there are no training providers that offer equipment operator training for cemetery operations. 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. Primary goal is to improve operating efficiencies through a cost effective and reliable EOTP which uses the state-of-the-art technology (such as Equipment Simulation) to meet the growing need to provide qualified equipment operators to the NCA workforce. Virtual Training Systems Simulators utilizes real-time 3D applications to train and orient an entry-level operator on basic equipment operation, skills and application knowledge. Equipment operators receive feedback (such as: amount of time to perform task, accuracy of task, undesired actions during task, proficiency in the task, etc.) to indicate where improvement is needed. The Simulators are also utilized to allow existing/experienced equipment operators to learn new control designs, functions and improve equipment operator proficiency.

Equipment operators receive "basic" (Phase I) training without risk to NCA owned equipment, themselves, other job site personnel, property, and the general public (Cemetery visitors). Operator "basic" training is the most important portion of the training program due to the critical curriculum covered during the Phase I training portion. Upon completion of the "basic" training portion, equipment operators will begin the supervised "on-the-job" (Phase II) training portion. On-the-job equipment operators and the training instructor may be interrupted several times daily to perform cemetery operations (interments, facility maintenance, other duties as assigned, etc.) which prolong/delay training progress. The face-to-face training permits equipment operators to concentrate on the critical "basic" training course without interruptions. There are at least 6 instructors supervising equipment operators during the Phase I training portion verses a single instructor during the Phase II training portion allowing equipment operators the maximum benefit of one-on-one training.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

While there are other contractors in Vetbiz.gov, a determination that only one SDVOSB concern available to meet the requirement is not required per the authority cited in VAAR Part 819.7007(b), the contracting officer's determination whether to make a sole-source award is a business decision wholly within the discretion of the contracting officer. A determination that only one SDVOSB concern is available to meet the requirement is not required.

**7. Determination by the CO 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. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Several training facilities were contacted but, they were unable to provide the services requested. Therefore, no further market research was required. Other 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

A Request For Information(RFI) was issued on Federal Business Opportunities(FBO) on April 13, 2018 and closed on April 23, 2018. One response was received from a Service Disabled Veteran Owned Small Businesses (SDVOSB), Bravo Inc., 1811 SE 5<sup>th</sup> Avenue, Cape Coral, FL 33990. Bravo Inc., provided a capability statement and offered training services as a distributor for Bobcat. The offered training services would be provided at the Bobcat facility in Arizona. However, Bravo Inc., indicated that they could provide hands-on training, but not simulation training.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** 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. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions 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. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

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13. **Approvals:**

- a. **Contracting Officer or Designee's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



- b. **One Level Above the Contracting Officer (Required over \$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

