

**DEPARTMENT OF VETERANS AFFAIRS
JUSTIFICATION AND APPROVAL (J&A)
FOR OTHER THAN FULL AND OPEN COMPETITION**

1. Contracting Activity: Department of Veterans Affairs, NCA Contracting Services, 75 Barrett Heights Rd, STE 309; Stafford, VA 22556
2. Nature and/or Description of the Action Being Processed: Market Research & Justification to go Sole Source.
3. Description of Supplies/Services Required to Meet the Agency's Needs:
Wacker NEUSON DW60 Dumper.
4. Statutory Authority Permitting Other than Full and Open Competition:

(X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;

() (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;

(X) (8) 41 U.S.C. 1901 per FAR 13.106-(b)(2)) (9) Brand Name Justification per FAR 11.105(a)(1)

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

Market research found only one manufacturer for the type of Wacker NEUSEN DW60 Dumper the agency seeks to procurement, and there is only one authorized dealer for the same.

6. A description of 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 as required by Subpart 5.2 and, if not, which exception under 5.202 applies.
In accordance with FAR 7.102(a) (2), the CO performed acquisition planning and conducted market research for the acquisition in order to promote and provide full and open competition. A search of the VIP and GSA e-Buy were carefully reviewed to identify and to solicit as many potential sources available.
7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

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The CO would ensure that the anticipated cost to the Government would be fair and reasonable by comparing the IGCE with the quote the contractor will provide and with previous purchases of the same nature.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:
- a) Research conducted in VIP database found two (2) SDVOSBs and zero (0) VOSB vendors but none of the two SDVOSBs were identified as authorized resellers of the Wacker NEUSEN DW60 Dumper. b) GSA Advantage e-Buy search produced 36 vendors that sell machinery equipment and parts, but the type the agency seeks to procure is manufactured by only one company (WACKRER NEUSEN), and distributed by authorized resellers only (Goodlett Equipment, Inc.)
 - c) Goodlett Equipment is a small business for NAICS 333120 (verified in SAM).
 - d) Goodlett Equipment is the only source for the Wacker NEUSEN DW60 Dumper being sought.

Market research was performed in accordance with FAR Section 10.002(2) and FAR Sub-Section (b)(1).

The CO conducted market a simplified research in the following ways:

- (i) Contacting knowledgeable individuals in Government and industry regarding market capabilities to meet requirements.
 - (ii) Reviewing the results of recent market research undertaken to meet similar or identical requirements.
 - (iii) Publishing formal requests for information in appropriate technical or scientific journals or business publications.
9. Any other facts supporting the use of other than full and open competition:
- (A) The 4WD version is full time, which prevent turf damage during adverse condition.
 - (B) The Dump Bed is hydraulic with power swivel of 180 degrees to access gravesites in tight conditions.
 - (C) The Wacker NEUSON's longevity and cost of maintenance and ownership is lower than comparable of the road dump equipment.
10. A listing of the sources, if any, that expressed, in writing, an interest in the acquisition. None expressed in writing. The only source found was through market research.
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. None

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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.

Mark D. Polen

NAME
TITLE

07/31/2018

DATE

13. **APPROVALS IN ACCORDANCE WITH FAR Part 6.304**

- a. **CONTRACTING OFFICER'S CERTIFICATION (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Roselynn A. Ellah
931849

Name

CONTRACTING OFFICER

Digitally signed by Roselynn A.
Ellah 931849
Date: 2018.07.23 12:14:15 -04'00'

07/23/20

Date