DEPARTMENT OF VETERANS AFFAIRS

SOLE SOURCE JUSTIFICATION UNDER SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL ITEMS IN ACCORDANCE WITH RFO FAR 12

Acquisition Plan Action ID: 36C242-26-AP-1423

1. **Contracting Activity:** Department of Veterans Affairs, VISN 02, New Jersey Medical Center
   Contracting agency: RPO East, NCO 2, Services 2
   Organizational activity: VA New Jersey Healthcare System (NJHCS)
   Purchase request 2237#: 561-26-2-5100-0041

2. **Nature and/or Description of the Action Being Approved:** The VA NJHCS is seeking a new firm-fixed-price service contract for annual cleaning and maintenance of their 9 Cleaver Brook fire tube boilers.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The contractor will perform annual cleaning and preventative maintenance of nine (9) Cleaver Brooks fire tube boilers located at the VANJHCS, East Orange and Lyons Campuses. The boiler cleanings are required as routine maintenance for the safety and longevity of the equipment and to remain compliant with VA Directive 1810. The contractor will furnish all labor, materials, parts, supplies, equipment, supervision and transportation necessary to accomplish the services contained within this contract. The estimated total value is $570,039.00. The estimated period of performance is one 12-month base year with the provision for 4 option years.

4. **Statutory Authority Permitting Restricted Competition:** RFO FAR 12 Acquisition of Commercial Products and Commercial Services. The statutory authority for applying procedures for Commercial Items of FAR 12 is 41 U.S.C. § 1901 and is implemented by RFO FAR 12.201-1 for restricting competition on this procurement. **Competition is restricted on this procurement for the reason below:**
   (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per 41 U.S.C. § 1901 as implemented by RFO FAR 12.201-1;
   ( ) (2) Unusual and Compelling Urgency per 41 U.S.C. § 1901 as implemented by RFO FAR 12.201-1;
   ( ) (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per 41 U.S.C. § 1901 as implemented by RFO FAR 12.201-1;
   ( ) (4) International Agreement per 41 U.S.C. § 1901 as implemented by RFO FAR 12.201-1;
   ( ) (5) Authorized or Required by Statute per 41 U.S.C. § 1901 as implemented by RFO FAR 12.201-1;
   ( ) (6) National Security per 41 U.S.C. § 1901 as implemented by RFO FAR 12.201-1;( ) (7) Public Interest per 41 U.S.C. § 1901 as implemented by RFO FAR 12.201-1;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Miller & Chitty (M&C) is the "*exclusive agent and appointed representative for Cleaver Brooks products, factory authorized services, parts and maintenance*" for the New Jersey area (Essex and Somerset counties). The authority 41 U.S.C. § 1901 as implemented by

RFO FAR 12.201-1 allows sole source awards. M&C is the only firm capable of providing the required services without the VA experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** It is the contracting officer's determination to make a sole source award is a business decision wholly within the discretion of the contracting officer. To ensure that opportunities are available to the broadest number of certified SDVOSBs, three RFI notices were issued;
    a. Notice no. 36C24226Q0364 (Sources Sought) was issued via SAM.gov on 2/19/2026.
        i. There were 4 expression of interest. 2 small businesses and 2 SDVOSB
            1. Caldaia Controls, SDVOSB - would not be able to participate in this procurement as they currently provide other inspection services to the boilers at the VANJHCS.
            2. Begini Howard Private Equity (BHPE), SDVOSB- expressed interest but did not provide a capability statement.
            3. RV Global Solutions, Small Business - provided a capability statement that expressed did not show relevant experience in boiler cleaning services.
            4. 24-7 Perfect Mechanical LLC, Small Business - notated in their a capability statement "*self-performing mechanical technicians with licensed subcontract support*"
    b. Notice no. RFI1796881 (Sources Sought) was issued via GSA eBuy on 2/19/2026.
        i. There were 2 expressions of interest.
            1. FlowSense Building Services , an SDVOSB, notated in their capability statement "*where specialized certifications, code stamping, or manufacturer-specific services are required, FlowSense may utilize qualified subcontractors with demonstrated experience on Cleaver Brooks fire tube boilers or comparable institutional systems*".
            2. BHPE (see above).
    c. Notice no. 36C24226Q0398 (Intent to Sole Source was issued to SAM.gov on 03/06/2026.
        i. There was 1 expression of interest.
            1. Caldaia Controls (see above).

    Given the service provider agreement with Cleaver Brooks and Miller & Chitty, it is reasonable to expect the "*licensed subcontract support" and "qualified subcontractors*" mentioned would be subcontracted to Miller & Chitty.

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Officer determines that the anticipated cost will be considered fair and reasonable. This determination will be based on reviewing historical price data on active and previously awarded contracts for the same or similar services.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**
    a. The special notices issued did not yield any other authorized service providers.
    b. A search in the Cleaver Brooks "Find a Rep" database identified M&C as the sole provider for the servicing area requested.

c. Miller & Chitty is a small business under NAICS code 238220 (Plumbing, Heating, and Air Conditioning Contractors).
d. Miller & Chitty provided a signed authorized service provider agreement.

As described in Section 6 above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition, advising industry of the pending acquisition and soliciting inquiries from interested parties.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** FlowSense Building Services, Caldaia Controls, LLC, 24 Perfect Mechanical, and BHPE

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**: Market research will continue to be performed to verify M&C's status as the only responsible source for services the Cleaver Brooks boiler equipment. As this is a critical annual service requirement, a base plus four option years contract is recommended, to ensure the boiler plant remains fully operational and complaint.

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.

MICHAEL DIAZ Digitally signed by MICHAEL DIAZ Date: 2026.03.26 07:31:17 -04'00'

03/26/2026

Michael Diaz
Boiler Plant / Wastewater Plant Supervisor
VANJHCS

Date

13. **Approvals in accordance with the VHAPM Part 806.3 OFOC SOP:**
    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.

NATALIE ACEVEDO Digitally signed by NATALIE ACEVEDO Date: 2026.03.26 09:52:35 -04'00'

Natalie Acevedo
Contracting Officer
RPO East/NCO2

Date

    b. **One Level Above the Contracting Officer (Required over the SAT but not exceeding $900K):** I certify the justification meets requirements for other than full and open competition.

JANINE CHILDS Digitally signed by JANINE CHILDS Date: 2026.03.27 08:51:42 -04'00'

Janine Childs
Supervisory Branch Chief
RPO EAST/NCO2

Date