

Control No:

Contracting Officer's Determination – Limiting Competition at or below the Simplified Acquisition Threshold

1. Contracting Activity: WaterGator for Mosquito Creek Lake in Cortland, OH.

2. Description of Action:

Nature: ☒ New Requirement ☐ Follow-on Requirement

Contract Vehicle: ☒ Purchase Order
☐ Blanket Purchase Agreement (BPA)
☐ Order/BPA against FSS Contract # _____
☐ Order against Multiple Award IDIQ Contract # _____
☐ Order against a single award IDC Contract # _____
☐ Modification to existing PO/TO/DO/Call Order # _____

Pricing/Contract Type: ☒ Fixed Price ☐ Time & Materials/Labor Hours
☐ Cost Reimbursable ☐ Hybrid

Funds: ☐ Operations & Maintenance, Army (OMA) ☒ Other Funds:
IIJA
FY: 2023

Name of Proposed Contractor(s) and Address:

Lake Weeders Digest LLC

5620 International Pkwy

MINNEAPOLIS, MINNESOTA, 55428-3047

USA _____

Brand Name Buy: ☒ Yes ☐ No

3. Description of Services or Supplies: Mosquito Creek Lake is in need of a Supply procurement for the acquisition of a remote-controlled aquatic vegetation harvester (WaterGator) and Eco-Harvester.

A) The remote-controlled aquatic vegetation harvester must have an operational range of at least 1,000 feet from shore, an 8-hour operational life or greater, be battery powered, and remove vegetation via cutting. Further, the cutting action must be auto leveling to ensure no damage to the lake bottom. The harvester must have a minimum operational

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depth of 4 inches, and a storage capacity of at least 1,250 pounds. The harvester must have the ability to address various species of concern with special emphasis on the American Lotus. This acquisition includes the purchase of a DOT compliant trailer required to transport the harvester.

Delivery Date 120 Days after date of Award. Value*

B) The riding aquatic vegetation harvester. This harvester must be capable of clearing 1.5 acres per hour, removes the vegetation via pulling, and is capable of skimming the surface of the water for algae and floating debris. Further, the harvester must have the ability to address various species of concern including Eurasian Milfoil, various algae species such as Starry Stonewort. Further, the harvester must have a minimum operational depth of 4 feet. This acquisition includes the purchase of a DOT compliant trailer required to transport the harvester.

Delivery Date 120 Days after date of Award. Value:*

Both Supply Items Award value:

4. Authority:

☒ FAR 13.106-1(b)(1): For purchases not exceeding the simplified acquisition threshold (SAT), only one source reasonably available, urgency, exclusive licensing agreements, brand name, or industrial mobilization.

FAR 8.405-6(a)(1)(i)(B) and 8.405-6(b)(1) Brand Name

☐ FAR 8.405-6(a)(1)(i)(A) Urgency

☐ FAR 8.405-6(a)(1)(i)(B) Only One Source is Capable

☐ FAR 8.405-6(a)(1)(i)(C) Logical Follow-on

Or

☐ FAR 16.505(b)(2)(i)(B) Only One Awardee is Capable

☐ FAR 16.505(a)(4) Brand Name

☐ FAR 16.505(b)(2)(i)(A) Urgency

☐ FAR 16.505(b)(2)(i)(C) Logical Follow-on

☐ FAR 16.505(b)(2)(i)(D) Minimum Guarantee

5. Reasons for Authority Cited:

According to the Statutory Authority 41 U.S.C. 3304(a)(1) full and open competition is not required when the supplies or services required by the agency are available from only one or a limited number of responsible sources, and no other type of supplies or services will satisfy agency requirements. Lake Weeders Digest LLC is the only responsible source because: They are the only vendor with patenting remote controlled vegetation harvester.

6. Publicizing Contract Actions: For FAR Part 13 actions, the public display and synopsis requirements of FAR 5.101 and FAR 5.203 ☐ do not apply due to the \$ threshold, ☒ apply and will be followed, or ☐ do not apply due to an exception at 5.202 (a)4.

Requirement to post justification in accordance with FAR 8.405-6(b)(3), FAR 13.105(c), or FAR 16.505(a)(4)(iii)(A)

☐ Action is NOT a brand name restriction and is under SAT, no posting required

☐ Action is a brand name restriction, under \$25K, no posting required

☒ Action is a brand name restriction, over \$25K. It will be redacted and posted with the solicitation.

☐ Action is a brand name restriction over \$25K but will not be posted due to exception:

☐ FAR 6.305(f)

☐ FAR 8.405-6(b)(3)(iii)(A)

☐ FAR 8.405-6(b)(3)(iii)(B)

☐ FAR 8.405-6(b)(3)(iii)(C)

☐ FAR 16.505(a)(4)(iii)(C)

7. Market Research:

(a) Market research for the remote-control harvester was done in searching for vendors that could provide the required item. A total of only one (1) vendor was found. Only one (1) can meet the customers requirement.

Sources sought notice# W911WN23SS0007 was posted to SAM on 23 March 2023. This was to conduct an survey the market of other potential vendors they may be able to provide this item. The closing date of the notice was 06 April 2023. It was posted on SAM for 14 days to conduct a industry survey. No responses were received

Lake Weeder Digest is the vendor able to supply the Water Gator for this contract activity. The CS contracted the vendor by phone to confirm its patented only has one

supplier. Searches in SPS and PCF found no prior history for the purchase of the Water Gator.

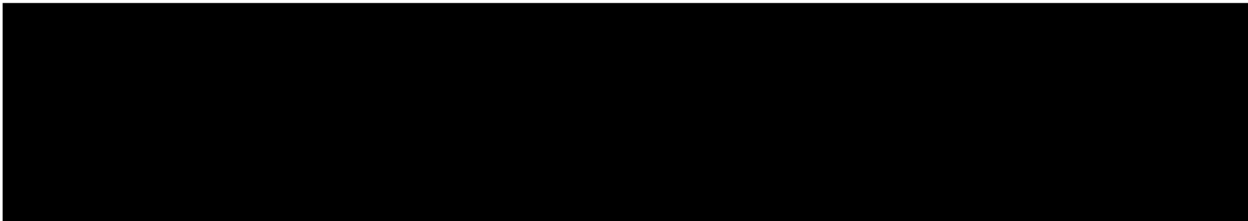
(b) Research Market research for riding aquatic harvester conducted, in searching for vendors that could provide the required item. A total of three (3) vendors were found. Only one (1) can meet the customers requirement.

Sources sought notice# W911WN23SS0004 was posted to SAM on 23 March 2023. The closing date of the notice was 06 April 2023. It was posted on SAM for 14 days to conduct an industry survey. Only one (1) vendor responded to the notice. Aquarius Systems. Aquarius Systems does not meet the required specifications that was listed in the notice. The item that they could provide would cut the vegetation. The item that is required must pull the vegetation.

Eco Harvester is the only item can pull vegetation and meet the requirement. This item can only be supplied by Lake Weeders Digest. The Eco Harvester ability to pull the vegetation is patient and can only be supplied by Weeders Digest. This information was confirmed through the supplier when contacted by the CS. Confirmation is filed into PCF. Searches in SPS and PCF found no prior history for the purchase of the Eco Harvester.

8. Other Facts: N/A

9. Technical/Requirements Certification: I certify 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.



10. Contracting Officer Certification/Approval:

I hereby determine that the anticipated cost or price to the Government for this contract action will be fair and reasonable based upon internet-based market research per FAR 13.106-3(a)2(i): The catalog listed price that is in PCF and comparing to similar items researched similar in price to similar competitive models. That pricing was used in determining what is considered fair and reasonable.

I certify that this justification is accurate and complete to the best of my knowledge and belief, and that completing this purchase as a sole source is in the best interest of the Government. Additionally, I approve this justification to limit competition subject to the availability of funds and provided that the services or supplies herein described have otherwise been authorized for acquisition.

Control No: [Redacted]

[Redacted Signature]

Contracting Officer

[Redacted Signature]

Date