

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Exception to Fair Opportunity

1. **Contracting Activity:** Department of Veterans Affairs, National Contracting Office (NCO) 20, for the Region 1 Office of Information and Technology (OI&T), Vancouver, WA.
2. **Description of Action:** The proposed sole source task order against General Services Administration (GSA) Local Service Acquisition (LSA) GS09Q11DLD7006 is for a six week firm-fixed price (FFP) effort for voice and data telecommunications services for Veterans Affairs (VA) facilities in California, with SBC Global Services, Inc. DBA: AT&T.
3. **Description of Supplies or Services:** The proposed action is to provide voice and data telecommunications services for VA facilities located in California. The total estimated value of the proposed action is \$499,999.00.
4. **Statutory Authority:** The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505 Subpart 16.505(b)(2)(i):

(☒) FAR Subpart 16.505(b)(2)(i)(A): The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays. There is an urgent requirement to continue these services as the existing telephone and data services period of performance expires March 31, 2014.

() FAR Subpart 16.505(b)(2)(i)(B): Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.

() FAR Subpart 16.505(b)(2)(i)(C): The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order.

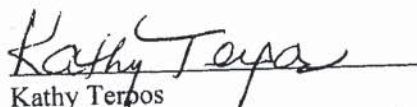
() FAR Subpart 16.505(b)(2)(i)(D): It is necessary to place an order to satisfy a minimum guarantee.

() FAR Subpart 16.505(b)(2)(i)(E): For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source". The statutory authority permitting an exception to fair opportunity for this action is 38 U.S.C. 8127(c), known as the Veterans First Contracting Program which provides the authority to directly contract with a Service-Disabled Veteran-Owned Small Business (SDVOSB) or a Veteran-Owned Small Business (VOSB).

() FAR Subpart 16.505(b)(2)(i)(F) In accordance with section 1331 of Public Law 111-240 (15 U.S.C. 644(r)), contracting officers may, at their discretion, set aside orders for any of the small

business concerns identified in 19.000(a)(3). When setting aside orders for small business concerns, the specific small business program eligibility requirements identified in part 19 apply.

5. **Rationale Supporting Use of Authority Cited Above:** The specific reason for restricting competition is due to an urgent requirement for the continuation of these services. The continuation of voice and data telecommunications services is needed at VA facilities that rely on them for patient care and there is not enough time to conduct fair opportunity between all the GSA LSA GWACs before the current order expires March 31, 2014. Delay in award of an order would result in serious injury to the Government since VA cannot carry out their mission without these services.
6. **Efforts to Obtain Competition:** Under normal circumstances this procurement would fall under usual requirements for fair opportunity and be open to all eligible contractors. However, the urgent and critical need for uninterrupted voice and data services precludes procurement for this action from any source other than the incumbent. SBC Global Services, Inc. DBA: AT&T has previously performed these services and is fully capable of continuing to provide the services without disruption.
7. **Actions to Increase Competition:** Based on paragraph 6 above, no other sources are available.
8. **Market Research:** A limited amount of market research was conducted, due to the urgency of the requirement. A search for other potential contractors was completed on GSA Advantage! The results of market research indicate the services are commercially available to meet the government's need.
9. **Other Facts:** This work is a critical healthcare telecommunications requirement as the existing telephone and data services contract period of performance will expire on April 1, 2014. The service is pending transition to a Region 1 Local Exchange Contract (LEC) at the Technology Acquisition Center (TAC), which was released for solicitation on the Federal Business Opportunities (FBO) website on 19 March 2014 under Request for Proposal number VA118-14-R-0046. A temporary six week purchase order must be established to prevent the cessation of local telecom services at the VA facilities in California as we wait for award of the TAC LEC. The incumbent contractor, SBC Global Services, Inc. DBA: AT&T, is the only source that can meet all of the requirements associated with our urgent need to ensure we have uninterrupted services for this contract period.
10. **Fair and Reasonable Price Determination:** Prices will be deemed fair and reasonable by comparison to historical prices paid, as well as comparison to other GSA LSA contract prices for same/similar items.
11. **Technical and Requirements Certification:** I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.


Kathy Terpos
Region 1 OI&T Funds Control Officer

3/31/14
Date

12. **Contracting Officer Certification:** I certify that this justification is accurate and complete to the best of my knowledge and belief.



Brian A. Thomas
Contracting Officer
NCO 20 Specialized Team Manager

3/31/2014

Date

13. **DOC/Designee Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval for other than full and open competition.



Digitally signed by Nicholas M. Jenkins
407961
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=nicholas.jenkins
@va.gov, cn=Nicholas M. Jenkins 407961
Date: 2014.03.31 13:20:12 -07'00'

Nickolas M. Jenkins
Director of Contracting
NCO 20

31 March 2014

Date