

JUSTIFICATION  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
23 Christopher Way  
Eatontown, NJ 07724
  
2. Description of Action: The proposed action is for a firm-fixed-price (FFP) Task Order (TO) under the National Mobile Devices and Service (NMDS) contract for the procurement of Verizon unlimited fourth generation (4G) mobile broadband data plans for 850 Android and iOS devices. The period of performance for the proposed task order will be 12 months.
  
3. Description of the Supplies or Services: The proposed action is for 65 voice and 850 unlimited 4G mobile broadband data plans for VA-owned Android and iOS devices that contain hardware locked into Verizon plans. The Android and iOS devices were deployed to Veterans, caregivers, and VA staff under the Veterans Health Administration's Clinic-in-Hand project which employs the use of mobile technology and mobile health applications to better serve Veterans and their caregivers. These devices require the voice and data connectivity service to be activated by Verizon. Once activated by Verizon, service can only be provided by Verizon. The total estimated price of the proposed action is [REDACTED]
  
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(B), entitled "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".
  
5. Rationale Supporting Use of Authority Cited Above: Based on market research, as described in paragraph eight of this document, it was determined that limited competition is viable among authorized resellers for this item brand name service. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. Verizon is the only service carrier that can provide the voice and unlimited fourth generation (4G) data plans required by VA. Once purchased, these devices are locked into a specific mobile broadband data plan carrier whose chipset is permanently embedded into the device. 850 VA-owned devices contain the permanent Verizon chipset. As a result, only the Verizon 4G voice and mobile broadband data plans can provide the devices with the required connectivity.
  
6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. This effort did not yield any additional sources that can meet the Government's requirements. It was determined, however, that limited competition is viable among the contract holders on the NMDS contract for the brand name requirement. In accordance with FAR 5.301 and 16.505(b)(2), this

action will be synopsisized at award on the Federal Business Opportunities Page and the justification will be made publicly available.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed.

8. Market Research: The Government's technical experts conducted market research in May 2014 by reviewing device manufacturer and carrier websites and contacting device manufacturers and carriers directly. It was confirmed that the VA-owned devices are locked to a specific carrier due to a chipset contained within the devices. Further market research was conducted by reviewing the NMDS contract. The required mobile broadband data plans are available from two NMDS contract holders, Verizon and an authorized reseller of Verizon mobile broadband data plans.

9. Other Facts: None.