

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
23 Christopher Way
Eatontown, New Jersey 07724

2. Description of Action: The proposed action is for a firm-fixed-price contract for the procurement of continued leased wireless pager devices and paging services on the current paging infrastructure owned by American Messaging Services LLC (American Messaging). This contract is in support of Office of Information & Technology (OI&T), Service Delivery and Engineering (SD&E), Field Operations Region 3. The procurement is required to provide all required pager devices, pager accessories, pager management services; inclusive of a pager management web portal, training, as well as unlimited pager services to the 12 Region 3 sites currently serviced by the American Messaging Network. The period of performance consists of one six month base period and one, three month option period.

3. Description of Supplies or Services: The proposed action is to obtain continued leased wireless pager devices and paging services for 12 OI&T Region 3 sites and users currently serviced on the paging infrastructure of American Messaging. The Contractor shall provide all required pager devices, pager accessories, pager management services inclusive of a pager management web portal, training, as well as unlimited pager services. The unlimited pager services include courtesy paging, numeric paging, alphanumeric paging, two way paging, local and long range paging, emergency notification services, group call services, page forwarding, page carbon copy, voice mail, intelligent messaging, operator services, toll free number services, group call services, and equipment and air time services. The Contractor shall provide paging services 24 hours per day, seven days per week with maximum service availability. The pager services are utilized by VA facilities within Region 3 for emergency messaging services for VA doctors, surgical teams and other clinicians. The continuation of the pager leases and services are required to provide critical messaging to VA clinicians for patient care and safety. The total estimated value of this proposed acquisition is \$, inclusive of options.

4. Statutory Authority: The statutory authority permitting other than full and open competition is 41 U.S.C. 3304(a)(1) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

5. Rationale Supporting Use of Authority Cited Above: The proposed source for this action is American Messaging Services LLC (American Messaging), 1720 Lake Pointe Drive Suite 100, Lewisville, Texas 75057. Based on extensive market research which can be found in paragraph eight of this document, it was determined that American Messaging remains the only responsible source capable of satisfying all of VA's

technical requirements. No other vendor can currently provide the required services as American Messaging is the only provider with access to the American Messaging proprietary paging network currently servicing all 12 required locations in Region 3. The American Messaging paging network is currently providing the paging services in 12 of Region 3's required locations with the required broadcast power. Only the American Messaging's proprietary network infrastructure and hardware has the ability to provide the required broadcast power over their proprietary transmitters. At this time, only the American Messaging network and transmitters can provide the required bandwidth at all 12 Region 3 sites, and only American Messaging can transmit to all sites with the required broadcast power to ensure complete building penetration and access to remote areas. American Messaging's proprietary 900 MHz paging network is engineered to carry paging data exclusively via the narrowband network and is optimized for low-bandwidth data transfer and is the only network that can meet Region 3's needs at all 12 sites. All of the sites are unique and distinctively engineered on the network to facilitate the reliable exchanging of time-critical paging American Messaging system message traffic. Only American Messaging can provide telecommunications services on their proprietary network due to Federal Communications Commission (FCC) regulations. VA does not own the proprietary critical messaging network or equipment, and would not be able to acquire functioning network equipment without access to the American Messaging network. Further, several of the 12 sites serviced by American Messaging contain vendor installed antennae enhancement systems to ensure complete paging coverage within their buildings. These antennae enhancement systems are installed on location and are proprietary to the American Messaging network and will only operate on the American Messaging frequency. If any other vendor were to provide pager services for these locations an additional antennae enhancement system would need to be installed to ensure full building coverage for critical messaging. The installation timeframes associated with antennae enhancement systems to ensure sufficient in-building coverage would break seamless support for these existing pager services and create an unacceptable risk that critical messaging will not be available to all parts of VA sites, endangering patient care and safety. Additionally, in accordance with FCC regulations only American Messaging can provide the service for the pagers and pager numbers currently in use at applicable Region 3 sites. Only American Messaging can operate within the FCC assigned frequency utilized for its pagers and only American Messaging can provide services for the pager numbers in use which are non-transferrable. Utilizing any other pagers or pager numbers would require a replacement of all pagers currently in use and would change all pager directories affecting VA business processes including pager groups for emergency responses. To rebuild the current business processes in place, a new vendor would need to gather information to replicate the internal distribution utilized to ensure all pager groups and distributions are aligned with the distribution currently in place. Such an undertaking would result in extensive delivery delays and result in a break of service. Utilizing any other pagers or pager numbers without adequate time for transition would result in significant impact to the business processes and emergency responses of VA. If not awarded to the current provider, pager services would not be able to access the American Messaging network infrastructure or the current pager

numbers and distributions, which would cause disruptions of service which would immediately and significantly cause a negative impact to VA and patient care.

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. There is no competition anticipated for this acquisition. Additionally, the proposed action will be synopsized on the Federal Business Opportunities Page in accordance with FAR 5.201. Any proposals that are received shall be evaluated.

7. Actions to Increase Competition: The Government anticipates the award of a Region 3 Pager Consolidation multiple-award, Indefinite Delivery, Indefinite Quantity (IDIQ) contract in fiscal year 2015, where future pager orders will be competed. The IDIQ contract will allow for individual or grouped sites to be competed, allowing for changes in the availability of service providers. Changes in service can occur when providers ramp up their coverage capabilities by adding new paging transmitters and providing adequate time for the required transition of pager numbers and business processes. It is estimated that the award for the Region 3 Pager Consolidation IDIQ will be made in January 2015 with award of the required Task Orders being made in February 2015, and transition to new providers completed in March 2015. If the IDIQ effort is completed prior to exercising the options on this contract, VA would not award the option period and transition to the new Region 3 Pager Services IDIQ Contract.

8. Market Research: VA Technical experts conducted market research via a Request for Information (RFI) posted to General Services Administration E-Buy on June 23, 2014 to ascertain if there are other sources that can provide the aforementioned pager services. There were four responses to the RFI including AT&T, USA Mobility (now Spok Inc.), American Messaging, and Ziplt Wireless. Though four responses were received, two responses (AT&T and Ziplt Wireless) were deemed incapable of meeting VA's requirements as they provide messaging services over a cellular signal increasing the risk of messaging downtime to an unacceptable level. In addition, Spok Inc. indicated they cannot provide coverage to all 12 of the required Region 3 locations currently serviced by the American Messaging network. Further, Spok Inc. cannot provide service to the current phone numbers owned by American Messaging. Due to current FCC regulations, current pager numbers cannot be transferred from one provider to another. This transition period without access to emergency messaging capability would have a significant and immediate impact on patient safety and emergency care for Veterans. Based on the aforementioned market research, VA technical experts determined that only American Messaging is capable of providing the immediate pager numbers and services due to non-portability of pager services. While it was determined that there were other sources that could provide similar services, no other source was available to meet all VA's requirements to support the Region 3 Pager Services infrastructure in the required 12 locations. The Government's technical experts contacted AT&T, Verizon and Spok Inc. in August 2014 to advise them of the Government's assessment that they could not meet VA's needs. No objections were raised by any of these sources. Based on this market research, the Government's

technical experts have determined that American Messaging is the only source that can meet the Government's requirements. The Government contacted American Messaging to see if there were any authorized resellers of the required pagers and pager services. American Messaging indicated that it does not provide its products and services for resale.

9. Other Facts: None.

10. 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.

Guy Porter

Date: 8-14-2014

Telecommunication Specialist

Signature: Guy Porter

11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on price analysis to include comparison of negotiated prices to the Independent Government Cost Estimate.

Carolyn A. Klein

Date: 8/14/2014

Procuring Contracting Officer

Signature: Carolyn A. Klein

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$650,000, the certification below required by FAR 6.303-2(b)(12) serves as approval.

Carolyn A. Klein

Date: 8/14/2014

Contracting Officer

Signature: Carolyn A. Klein