

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) Indefinite Delivery Indefinite Quantity (IDIQ) contract for the procurement of Verizon voice and data plans for VA employees throughout Office of Information and Technology (OI&T) Region 3. The period of performance for the proposed task order will be one month with three one-month option periods for continued support. The purpose of this action is to provide an interim solution to avoid a disruption in service while OI&T Region 3's consolidated requirements are being competed under NMDS.

3. Description of the Supplies or Services: The proposed action is for Verizon voice and data plans for VA-owned devices currently being serviced by Verizon. These devices serviced by Verizon were deployed to VA employees under a NMDS task order awarded directly to Verizon in June 2013 to satisfy the IDIQ minimum order guarantee. As a result, these devices were activated with Verizon service. Once activated by Verizon, service can only be continued on these devices with the same carrier. 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: The proposed source for this action is Verizon Wireless, 1 Verizon Way, Basking Ridge, NJ 07920-1025. Verizon is the only service carrier that can continue support with the required Verizon voice and data plans required by VA. Once purchased and activated, these devices are locked into a specific voice and mobile broadband data plan carrier whose chipset is permanently embedded into the device. As a result, service can only be continued on these devices with Verizon voice and data plans.

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. 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: OI&T Region 3 is currently consolidating their requirements for competition on the NMDS contract. All NMDS contract holders will be given fair opportunity to be considered for award as task orders will be awarded on a best value basis.
8. Market Research: The Government's technical experts conducted market research in September 2014 by reviewing device manufacturer and carrier websites. 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 voice and data plans are available on the NMDS contract.
9. Other Facts: None.