

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 AT&T 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 AT&T voice and data plans for VA-owned devices currently being serviced by AT&T. These devices serviced by AT&T were deployed to VA employees under a NMDS task order awarded directly to AT&T in June 2013 to satisfy the minimum order guarantee. As a result, these devices were activated with AT&T service. Once activated by AT&T, 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 AT&T Mobility, 7449 Parkway Drive, Hanover, MD 21076-1317. AT&T is the only service carrier that can continue support with the required AT&T 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 AT&T 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.

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: \_\_\_\_\_

Telecommunication Specialist

Signature: \_\_\_\_\_

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. Contracts awarded on NMDS have already been determined fair and reasonable. Additionally, the quote will be compared to the Independent Government Cost Estimate.

Debra G. Clayton

Date: \_\_\_\_\_

Procuring Contracting Officer

Signature: \_\_\_\_\_

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 16.505(b)(2)(ii)(C)(1) serves as approval.

Debra G. Clayton

Date: \_\_\_\_\_

Procuring Contracting Officer

Signature: \_\_\_\_\_