

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: This proposed sole source action is for a firm-fixed price (FFP) effort to obtain Local Exchange Carrier (LEC) services on the VA Region 3 Telecommunications Business Office (R3 TBO) Time Warner Cable, Inc. infrastructure (wired telephone and data services for the R3 TBO). The proposed action is for a six month base period with two, 3-month option periods with Time Warner Cable, Inc., 3347 Platt Springs Road, West Columbia, SC 29170-2203.
3. Description of Supplies or Services: This proposed action is to obtain LEC services for the VA R3 TBO Time Warner Cable, Inc. infrastructure. These LEC services include plain old telephone (POTs) service, Centrex service, Primary Rate Integrated Services Digital Network (ISDN) (PRI) service, Basic Rate ISDN (BRI) 2B+D Service, T-1 Digital Switched Service (DSS), Direct Inward Dialing (DID) numbers, Metro E-Service metropolitan-area Ethernet, or metro Ethernet network (MOE), Caller Identification (ID) (name and number) feature (POTS Line and PRI Circuit, 23B+D), Three-Way Calling feature, Call Forward feature, Call Wait feature, Voicemail feature, Call Block feature, Call Hunting/Roll over feature, Call Redirect feature, Third Party Billing Block feature, Primary inter-LATA (Local access and transport area) Carrier (PIC/LPIC) provisioning, Telephone Service Priority (TSP), E-911 Private Switch / Automatic Location Information (PS/ALI), and Digital Subscriber Line (DSL). The Contractor shall provide telecommunication services at each facility 24 hours per day, seven days per week with maximum service availability. [REDACTED]
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 Time Warner Cable, Inc., 3347 Platt Springs Road, West Columbia, SC 29170-2203. Based on market research which can be found in paragraph eight of this document, it was determined that currently Time Warner Cable, Inc. remains the only responsible source capable of satisfying VA's requirements. No other contractor can provide the required services because they do not have access to the proprietary technical data within the existing R3 TBO Time Warner Cable, Inc. infrastructure. Only Time Warner Cable, Inc. possesses the necessary proprietary data for the existing R3 TBO Time Warner Cable, Inc. infrastructure. VA does not own the proprietary data.

Any other source would require access to the current proprietary infrastructure in order to obtain the code structure to complete the services, such as pushing upgrades, etc. Failure to access the R3 TBO Time Warner Cable, Inc. infrastructure would result in disruption in service of communications systems and life sustaining medical systems, the inability to share resources within the VISN network, increased maintenance time, increased system blockages, and reduced computer access to patient record databases.

Furthermore, if this action was competed, it would create two moves to two different service providers in one year. The first move would be the result of this requirement, and the second move would be the result of the transition to the Enterprise-wide LEC multiple-award, indefinite delivery, indefinite quantity contract. This would involve a transition period of up to 120 days for each change in service provider, due to a new service provider installing all new equipment, cabling and circuits. This would cause a disruption of service with the above effects.

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 an Enterprise-wide LEC multiple-award, indefinite delivery, indefinite quantity contract in fiscal year 2015, where future LEC orders will be competed. If that effort is completed prior to exercising the options on this contract, VA would not award the option periods and transition to this contract.

8. Market Research: In June 2014, VA's technical experts conducted market research by reviewing the Public Utility Commission's (PUC) or Public Service Commission (PSC) websites, depending on the State governing commission, for the states within Region 3 to ascertain if there are other sources that can provide the aforementioned LEC services in the respective state. It was determined that, while there were other sources that could provide similar services, no other sources were available with the technical and proprietary services to support the Time Warner Cable, Inc. infrastructure. Based on this market research, the Government's technical experts have determined that Time Warner Cable, Inc. is the only source that can meet the Government's requirement.

9. Other Facts: N/A