

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 sole source, 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 brand name Sprint wireless voice and data plans and ancillary mobile devices for VA employees located throughout Office of Information and Technology (OI&T), Service Delivery and Engineering (SDE), Field Operations Region 2. The period of performance for the proposed TO will be one 3-month base period followed by seven 3-month option periods for continued support.

3. Description of the Supplies or Services: The proposed action is for the acquisition of wireless Sprint voice and data plans and ancillary mobile devices for VA employees throughout OI&T Region 2. There are 13 sites requiring these services and ancillary mobile devices in Region 2 spread across eight states. These 13 sites include Jesse Brown VA Medical Center (VAMC), Captain James A Lovell Federal Health Care Center, Edward Hines Jr. VAMC, Clement J. Zablocki VAMC, John Cochran VAMC, Leavenworth VAMC, Jack C. Montgomery VA Hospital, North Texas Health Care System (HCS), South Texas HCS, Central Texas HCS, Valley Coastal Bend HCS, Minneapolis VAMC, and Central Iowa HCS. Sprint is not an NMDS contract holder and A&T Systems Inc. is the only authorized reseller of Sprint wireless services and devices under the NMDS contract; therefore, A&T Systems Inc. is the required source.

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) 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 A&T Systems, 12200 Tech Road, Suite 100, Silver Spring, MD 20904-7871. A&T Systems is the only firm that can provide the Sprint voice and data plans and ancillary devices required by VA through the NMDS contract that allows VA to benefit from pooled minutes efficiencies under existing contract terms to avoid or minimize overage charges. Sprint is the only wireless provider who can meet all of VA's functional requirements through A&T under NMDS. Specifically, these functional requirements include providing a signal strength requirement of not less than -100 decibel-milliwatts (dBm) in the interior locations of all 13 Region 2 sites specified above. This is due to the fact that the aforementioned 13 sites have only Sprint signal

enhancers such as antennas and repeaters currently installed. Based on market research, it would take anywhere from 12 to 24 months to install the appropriate signal enhancers for other wireless providers at all 13 sites such that other providers cannot meet current Region 2 requirements. The -100 dBm minimum requirement ensures mobile device users uninterrupted recurring air-time services. Without a signal strength of -100 dBm inside the medical centers, the devices will not perform to an acceptable level. The voice and data features to be included in the proposed TO are heavily relied upon by physicians, therapists, nurses, and campus policing units throughout all 13 OI&T Region 2 sites referenced above to coordinate, respond to, treat, and interact with patients and colleagues in the course of delivering benefits and care to Veterans. Failure to provide the -100 dBm minimum requirement will result in these health care professionals not having the capabilities of assured communications and data/information sharing to provide uninterrupted care to Veterans.

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)(ii)(D), 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: Based on the results of the market research conducted, no other wireless carriers can currently meet the -100 dBm requirement. Future solicitations will include the need for antennas and repeaters to meet the requirement of -100 dBm. This will allow the Government to compete this requirement in the future.

8. Market Research: The Government's technical experts conducted market research in November 2014 by performing onsite testing of devices which utilize the wireless service of another carrier. Specifically, devices using AT&T wireless and data service were tested at all 13 Region 2 sites and the results showed that without the signal enhancers located at the sites the AT&T devices did not meet VA's functional signal strength requirement of not less than -100 decibel-milliwatts (dBm) in interior locations of all 13 sites. Therefore, as Sprint is the only carrier that can meet VA's functional requirements, they are the only carrier able to meet VA's needs through A&T under the NMDS contract and provide benefits associated with contract terms for pooled minutes.

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.

Kevin Sample

Date: 11/24/14

Senior IT Analyst, R2 TBO

Signature: [Handwritten 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 unit pricing which has already been determined fair and reasonable on the awarded NMDS contract. Additionally, the quote will be compared to the Independent Government Cost Estimate.

Debra G. Clayton

Date: 11/24/14

Procuring Contracting Officer

Signature: [Handwritten Signature]

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

Debra G. Clayton

Date: 11/24/14

Procuring Contracting Officer

Signature: [Handwritten Signature]

13. Legal Sufficiency Certification: I have reviewed this justification and find it adequate to support a limited source award and deem it legally sufficient.

Christopher Tiroff

Date: _____

Legal Counsel

Signature: Christopher Tiroff

Digitally signed by Christopher Tiroff
DN: cn=Christopher Tiroff, o=office of
General Counsel, email=chris.tiroff@va.gov,
c=US
Date: 2014.11.24 08:56:50 -0500

Approval

In my role as Contracting Activity Competition Advocate, based on the foregoing justification, I hereby approve the acquisition of Sprint wireless voice and data services and ancillary mobile devices for OI&T SDE Field Operations Region 2, pursuant to the authority cited in paragraph 4 above, subject to availability of funds, and provided that the property and services herein described have otherwise been authorized for acquisition.

Date: 12/14/14

Signature: 
Phyllis Bower
Head of the Contracting Activity
Office of Acquisition Operations