

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 brand name Verizon wireless voice and data services for 50 Enterprise Operations (EO) Disaster Recovery Personnel (DRP) located at the VA Austin Information Technology Center (AITC) at 1615 Woodward Street, Austin TX 78772. The period of performance shall be four months from TO Award followed by three 12-month option periods.

3. Description of Supplies or Services: The proposed action is to provide Verizon wireless voice and data services to support DRP who are responsible for ensuring life safety of all AITC personnel during building emergencies, evacuations, or in the event that a 911 call is made at the AITC facility. DRP users have been unable to obtain reliable wireless signal strength inside the AITC building at the level of coverage needed via their smartphones and broadband card devices. This action will provide wireless voice and data services from Verizon wireless or an authorized reseller that ensures in-building connectivity by the use of currently installed Verizon in-building enhancements.

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: This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. Verizon Wireless is the only service carrier that can provide the required voice and data services to the DRP personnel located at AITC. Verizon Wireless or an authorized reseller are the only wireless sources capable of providing in-building wireless signal strength at the level of coverage required at the AITC location using the existing installed and functioning Distributed Antenna System (DAS). No other wireless provider currently has DAS (or other signal enhancement mechanisms) installed at the AITC location and therefore no other wireless provider can deliver the needed signal strength. The DAS system was installed prior to the current competitively awarded AT&T task order. The product description for the current task order did not require in-building coverage that has subsequently been determined to be necessary for the DRP to carry out their role

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in the event of an emergency at the AITC which includes communications via their smartphone device and/or use of laptops with broadband cards for internet access as AITC does not support Wi-Fi. Therefore, this effort is being undertaken only to provide services for the DRP users that need enhanced in-building coverage, which is only available through Verizon or an authorized reseller at this time.

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. It was determined, however, that limited competition is viable among the contract holders on the NMDS contract for the brand name requirement. 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: A competitive acquisition is planned for wireless services at the AITC to include in-building service level requirements. This should alleviate the need for multiple task orders to support the wireless voice and data needs of AITC going forward. Additionally, alternate carriers have proposed to install their signal enhancing DAS equipment at the AITC building. If alternative DAS equipment has been installed multiple carriers would be able to meet AITC wireless services requirements both inside and around the facility at large.

8. Market Research: Market research was performed between September and December of 2014 to determine which wireless services providers could provide reliable signal strength inside the AITC facility. Government technical experts performed an analysis of the interior signal penetration of the AITC building in conjunction with reviewing mobile device user signal issue reports. The results of the research indicate that only Verizon wireless service provides reliable signal strength throughout the interior the of the AITC facility. Analysis indicated that neither AT&T nor Sprint nor T-Mobile devices produced reliable signal strength throughout the facility.

9. Other Facts: None

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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.

Jim Ernst

Date: 05/11/2015

Telecommunications Specialist

Signature: James E. Ernst
Digitally signed by James E. Ernst
DN: cn=James E. Ernst
Date: 2015.05.11 09:40:19 -05'00'

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 the fact that contracts awarded on NMDS have already been determined fair and reasonable. The quote will also be compared to the Independent Government Cost Estimate.

Debra G. Clayton

Date: 5/13/15

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: 5/13/15

Procuring Contracting Officer

Signature: 