

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 January 1, 2017 through February 28, 2017 followed by a one month option period. The purpose of this action is to provide an interim solution to avoid a disruption in wireless service while OI&T Region 2's requirements are being reviewed in order to maximize competition under VA's National Mobile Devices and Services (NMDS) contract and to allow time for the devices to be transitioned if necessary. The proposed effort will be awarded under NMDS contract VA118-13-D-0028 to A&T Systems Inc, 12200 Tech Road, Suite 100, Silver Spring, MD 20904-7871.

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. These devices provided by A&T Systems Inc. are currently serviced by Sprint. Once activated by a specific wireless provider, service can only continue on these devices with the same wireless provider. 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. The OI&T Region 2 Telecommunications Business Office is currently analyzing its mobile device requirements to ensure the requirements are competed to the maximum extent practicable. The proposed action will establish a bridge task order to ensure no interruption in wireless services while the requirements are being analyzed and re-competed.

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 before the existing task order expires on December 31, 2016. 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. Transition to another wireless provider cannot be accomplished before expiration of the current Region 2 task order given the pending awards of a competitive NMDS task order and the follow on effort. As a result, wireless service can only be continued on these devices with Sprint voice and data plans until award of the current competitive NMDS task order.

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: The OI&T Region 2 Telecommunications Business Office is currently analyzing its mobile device requirements to ensure the requirements are competed to the maximum extent practicable. This proposed action will establish a bridge task order to ensure no interruption in wireless services while the requirements are being analyzed and competed. Task Orders resulting from competition of the Region 2 mobile device and service requirements are anticipated to be awarded on or about January 13, 2017 and an additional four to six weeks is needed to allow for possible transition to a new contractor.

8. Market Research: The Government's technical experts conducted market research in November 2016 by performing onsite testing of devices which utilize the wireless service of alternate wireless providers. Devices using AT&T, Verizon, and Sprint wireless and data services were tested and the results showed that only Sprint could meet VA's functional signal strength requirement of not less than -100 decibel-milliwatts (dBm) in interior locations at all of the required sites. Therefore, as Sprint is the only carrier that can meet VA's functional requirements at all of the sites, they are the only carrier able to meet VA's needs through A&T under the NMDS contract and provide the benefit associated with NMDS contract terms for pooled minutes.

9. Other Facts: None.