

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)

Acquisition Plan Action ID: VA248-17-AP-13070

1. **Contracting Activity:** Department of Veterans Affairs (VA), Network Contracting Office – 8 (NCO – 8), 8875 Hidden River Pkwy, Suite 525, Tampa, FL 33637, working on behalf of Veterans Integrated Service Network - 8 (VISN - 8), Biomedical Engineering Department requests Justification for Other than Full and Open Competition (JOFOC).
2. **Nature and/or Description of the Action Being Processed:** This procurement is for satellite television programming service & repairs under urgent and compelling reasons. In accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

NCO-8 will award a Blanket Purchase Agreements (BPA) for VISN-8 with the purpose of providing satellite television programming service with Retirementthometv Corporation. This JOFOC is for the award of a BPA for up-to one year, which covers the period of August 1, 2017 through July 31, 2018. This is a standardization effort for NCO - 8 and the VA.

The proposed total contract value is estimated at \$700,000.00

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** VISN - 8 requires satellite television programming service for government lodging, lobbies and patient rooms. The satellite television programs provide a quality of life experience which is used in direct patient care for diagnosis, studies, and life sustaining treatment of Veteran patients throughout VISN-8.

It is of the utmost importance that television services functions optimally always. This BPA will function as the single source for VISN-8 to expeditiously provide satellite television service and equipment which will ensure uninterrupted programming viewing and a quality high definition transmission of service.

4. **Statutory Authority Permitting Other than Full and Open Competition:**
(X) Simplified Procedures for Certain Commercial Items per FAR 13.5
FAR13.5 Simplified Procedures for Certain Commercial Items: *The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).*

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**
Retirementthometv Corporation is the preferred service provider for satellite television from the distributor of television transmission and programming service. The level and quality of digital video and audio of DIRECTV is leading the industry in TV cloud services and station programs. The specialized equipment and access to proprietary programming requires technicians with specialized certification for the repair and installation of services for direct patient care and quality of life.

Retirementhomety Corporation employs DIRECTV trained service technicians who perform highly specialized services on the subscriber equipment which require calibrations, proprietary software upgrades, updates, and emergency repair service per the manufacturer specifications. Retirementhomety Corporation's service technicians have full and complete access to the subscriber parts and proprietary software to initiate repair.

It is critical that VISN-8 Medical Centers have reliable, safe, and operational television service that is used for daily life sustainment, morale and quality of life during visits and extended lodging. The urgent and time sensitive nature to quickly repair and maintain uninterrupted television service is extremely important for continuity of patient care and the overall mission of VA.

From time to time, this equipment requires unexpected ad hoc repairs as components break, malfunction, interruptions in transmission or become inoperative. When unexpected repairs or service are needed, this BPA will be an expeditious method for the Medical Centers of VISN-8 to quickly and efficiently return television service to fully operational and minimally impacting the mission of VA.

At this time, the issuance of a full and open solicitation would cause a delay in contract award thus creating an interruption in service. The current provider has filed bankruptcy and pending termination of agreement with the subscriber, DIRECTV. This imminent termination will affect all television service within VISN-8 currently being provided from DIRECTV. Thus, patient morale and quality of life for VISN-8 Veterans and their families and caregivers will be impacted as patients would be required to seek daily news updates and programs through internet service thus creating an unexpected burden and reduction in internet speed and quality.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Preliminary market research was conducted by the customer to include internet web searches for same/similar services on GSA and open market. The Contracting Office conducted additional market research. This included phone calls to engage industry, internet web searches, GSA library, FedBizOpps, Federal Procurement Data Systems, VIP VetBiz and previous contracts/historical data. The results were twenty-three SDVOSB and VOSB with the NAICS of 515210 and two hundred and two small business. However, due to the urgent nature of this requirement, these service providers are not capable of establishing accounts and/or acquiring all NCO 8 accounts at the present time.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Prior to award, a price reasonableness determination will be processed and inserted into the eCMS briefcase. This will be based on FAR 13.106-3, and historical purchases for the same services and items throughout VISN-8, price comparisons to private industry services, and/or a comparison of television subscription to ensure that VISN 8 is paying a fair and reasonable price for all satellite television services.

Description of the Market Research Conducted and the Results, or a Statement of the Reasons

Market Research Was Not Conducted: Market research confirms that Retirementhomety Corporation is the most expeditious method for a short-term satellite television services agreement for DirecTV's proprietary broadcasting subscription. A search on Vetbiz.gov was conducted using NAICS code 515210 Cable and Other subscription programming. The results revealed twenty-three

(23) SDVOSB's and VOSB's, which all twenty-two (22) were emailed requesting capabilities for satellite television service.

The Contracting Officer received two responses of interest in the requirement. However, due to the urgent need of the government and the short turnaround time there was limited assurance the vendors can acquire the current DIRECTV accounts for the NCO 8 medical centers before August 1, 2017.

The Contracting Officer searched the Small Business Dynamic website on July 19, 2017. The search revealed two hundred and two small businesses with the NAICS code 515210. An email seeking capabilities was sent to all 202 vendors seeking capabilities for television services. The Contracting Officer received thirteen responses of interest in the requirement. However, due to the urgent need of the government and the short turnaround time there was limited assurance the vendors can acquire the current DIRECTV accounts for all VISN 8 medical centers before August 1, 2017.

8. Any Other Facts Supporting the Use of Other than Full and Open Competition:

The government will issue a solicitation as an SDVOSB set-aside utilizing cascading procedures to allow both small and large business participation in 2018. In the interim, it is the intention of the Government to award a short-term sole-source BPA for a maximum of one-year to Retirementthometv Corporation. This is done with the intention of standardizing television services for VISN-8. This effort will work towards a long-term contracting solution that will fulfill the government's need while promoting competition to the maximum extent practicable.

9. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

American Group Fitness- AGX LLC	Business Transformation Company	E EnterSource
Mobil Satellite Technologies	Ironshieldnetworks	Hyperlocal solutions
CTO - Comvox Systems LLC	Senior TV/Stellar Private Cable Systems	
Skypathsystems	TNC Communications	Branaeholdings
Starvision Technology, Inc.	Atlanta Network Systems	WeiTel
Correctional cable TV		

10. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:

The Government intends to post this Justification for Other than Full and Open Competition to www.fedbizopps.gov, which will allow industry an opportunity to understand the government's need and potentially submit their capabilities to fulfill this need. It is the intent of the Government to create a long-term contract for satellite television service that will promote competition and offer the best value for the Government all while keeping patient care a top priority.

11. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge.

12. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.

a. **Contracting Officer or Designee's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Johnny Jones
Contracting Officer
Network Contracting Office 8, Site Team Tampa, FL

07/20/2017