

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval (J&A) For



#### 1. Contracting Activity:

The Contracting Activity responsible for this procurement is The Department of Veterans Affairs (VA), Office of Acquisition Operations (OAO), Strategic Acquisition Center –Frederick (SAC-F), located at 321 Ballenger Center Drive, Suite 125, Frederick, MD 21703.

#### 2. Nature and/or Description of the Action Being Processed:


The Department of Veterans Affairs (VA), Office of Security and Law Enforcement has a need to enter into a noncompetitive award with the Information Justice and Public Safety Information Sharing Network, formerly known as the National Law Enforcement Telecommunications System (Nlets), currently referred to as Nlets. This justification and approval sets forth the relevant facts and requests approval for the award of a one (1) year base contract with four (4) 12-month option periods.

#### 3. Description of Supplies/Services Required to Meet the Agency's Needs:

The VA, Office of Security and Law Enforcement has an annual requirement for uninterrupted access to the Nlets network. This organization is a 501(c)(3) not for profit corporation, partially funded by membership fees. Nlets is primarily a message switch that electronically links state, territory, local, Federal and international entities involved in law enforcement, criminal justice, and public safety. Its purpose is to provide the capability to access and exchange the information transmitted through its message switch. This information encompasses a vast array of state and local information found in state private and commercial driver information, driver's licenses, criminal histories, warrants, missing persons, unidentified persons, stolen or missing property, and a multitude of other relevant state, Federal and international databases.

In order to sustain continuous access to the system, Nlets charges an annual membership fee to all its members, state and Federal. The Office of Security and Law Enforcement is the policy oversight and compliance organization for the majority of VA Nlets users, i.e., VA Police. As such, it is centrally billed by Nlets in the form of a consolidated base and terminal fee that ensures VA-wide access.

The fee structure is composed of the following:

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- Supplementing the membership base fee, a terminal fee is charged based on the number of "terminal" or access points utilized by the agency. Nlets mandates that each Federal agency with more than 50 individual access

points is assessed this additional fee based on the number of access points it utilizes.

VA accesses Nlets through the following separate means:

1. VA Police Units, which comprise the majority of VA users, have access to Nlets through stationary, mobile, and web access points. These users access Nlets through their designated state or Department of Justice system message switches/interfaces which directly link to the Nlets switch. This procurement will specifically ensure that their access to the Nlets switch is procured and maintained.
2. The Office of Security and Law Enforcement accesses Nlets through its one terminal in VA Central Office through the Department of Justice switch/interface which is directly linked to Nlets.
3. The VA Office of Inspector General accesses Nlets through approximately 10 stationary terminals throughout the U.S. and VA Central Office which access Nlets applications through the DoJ JUST system switch/interface which is directly linked to Nlets

**4. Statutory Authority Permitting Other than Full and Open Competition:**

This justification for other than full and open competition, as a brand name specific requirement, is prepared using Federal Acquisition Regulation (FAR) subpart 13.5 procedures, in accordance with 41 U.S.C. 1901.

**5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

Access to Nlets enables VA law enforcement to fulfill its operational needs and to ensure continuity of operations of all VA sites nationwide. Nlets is a unique, one-of-a-kind organization that is the only provider of the required services that are critical to the successful performance of the Office of Security and Law Enforcement's chief functions in order to ensure the safety and well-being of Veterans and VA employees.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

VA Office of Acquisition Operations (OAO), Strategic Acquisition Center –Frederick will post a synopsis of this action to the Federal Business Opportunities website (fbo.gov) in order to publically announce the need and to prompt commercial industry to respond should they possess the same unique capabilities.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

The annual fees for Nlets are unchanged from the previous contract (VA101-13-C-0001). Therefore, the anticipated cost is determined fair and reasonable in comparison to prices previously paid by the Department of Veterans Affairs for these services.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

Based on the information obtained from the Vendor Information Pages (VIP) database, the Government did not identify any potential Service Disabled Veteran Owned Small Business (SDVOSB) or Veteran Owned Small Business sources capable of performing this requirement. Therefore, this procurement is not suitable for a VOSB set-aside in accordance with §8127's "Rule of Two".

A search of keyword "Nlets" in Dynamic Small Business Search (DSBS) displayed two results, but after a review of each business' capabilities, it was determined that neither can provide the required network access to Nlets. This procurement is not suitable for a small business set-aside.

A search of the Government Wide Database, GSA eLibrary, and internal IDIQs resulted in zero results. This service is not available on any existing purchasing vehicles.

A search of recent market research included a search of FedBizOps, which displayed numerous Special Notices with attached Justification and Approvals for sole source awards for Nlets subscriptions within the last 12 months.

Government offices acquiring these services through sole source awards to Nlets include the Department of Justice Offices/Boards/Divisions, Department of Homeland Security Customs and Border Protection, Department of the Army National Guard Bureau, Bureau of Alcohol, Tobacco and Firearms (ATF), Drug Enforcement Administration, Bureau of Prisons, Department of the Navy Naval Supply Systems Command, Immigration & Customs Enforcement, Department of the Air Force Air Force Global Strike Command, Defense Human Resources Activity, and the United States Secret Service.

The above market research indicates that there is only one (1) source capable of providing network access to the Nlets database.

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

Nlets links together and supports every state, local and federal law enforcement, justice and public safety agency for the purposes of sharing and exchanging critical information. It is a 501 (c)(3) not-for-profit corporation owned and operated by the fifty states, districts and territories known as the Principal membership and is administered by a Board of Directors elected from those state law enforcement agencies. Nlets is unique in that it operates an international system and network accessible by all criminal justice agencies and is the only provider of this capability in the U.S. The users of the network are criminal justice and law enforcement agencies, both state and Federal. There is no other similar or comparable service entity in the United States, public or private, that provides this capability.

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

To date, no sources have expressed interest in this acquisition.

**11. 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 VA Office of Law Enforcement will continue to review changing market conditions to ensure all potential offerors are afforded an equal opportunity to provide these services and will perform market research as applicable to satisfy the Competition in Contracting Act (CICA).

12. **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 and belief.



13. **Approvals**

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

