

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
23 Christopher Way
Eatontown, New Jersey 07724

2. Description of Action: This proposed sole source action is for a firm-fixed price contract to obtain Local Exchange Carrier (LEC) services for the VA Region 3 Telecommunications Business Office (R3 TBO) with Horry Telephone Cooperative (HTC).

3. Description of Supplies or Services: The proposed action is for VA, R3 TBO LEC services at various locations in the Myrtle Beach/Conway area. These LEC services include Plain Old Telephone (POTs) service, Centrex service, Primary Rate Integrated Services Digital Network (ISDN) (PRI) service, Basic Rate ISDN 2B+D Service, T-1 Digital Switched Service, Direct Inward Dialing numbers, Metro E-Service metropolitan-area Ethernet, or metro Ethernet network, Caller Identification (name and number) feature (POTS Line and PRI Circuit, 23B+D), Three-Way Calling feature, Call Forward feature, Call Wait feature, Voicemail feature, Call Block feature, Call Hunting/Roll over feature, Call Redirect feature, Third Party Billing Block feature, Primary inter-LATA (Local access and transport area) Carrier provisioning, Telephone Service Priority (TSP), E-911 Private Switch / Automatic Location Information, and Digital Subscriber Line. The Contractor shall provide telecommunication services at each facility 24 hours per day, seven days per week with maximum service availability. The period of performance is a 12 month base period with four, 12 month option periods. The total estimated value of the proposed acquisition, inclusive of options is \$ [REDACTED]

4. Statutory Authority: The statutory authority permitting other than full and open competition is 41 U.S.C.3304(a)(1) as implemented by the Federal Acquisition Regulation (FAR) 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

5. Rationale Supporting Use of Authority Cited Above: The proposed source for this action is HTC, PO Box 1820, Conway SC. Based on market research, as described in section 8 of this justification, it has been determined that only HTC is capable of providing the aforementioned LEC telecommunication services as HTC is the only LEC provider in the Myrtle Beach/Conway, SC area that can provide telephone circuits and telephone number services to VA. No other contractor can provide the required services because they do not have access to the proprietary technical data within the existing HTC R3 TBO infrastructure. VA does not own the proprietary data. Any other source would require access to the current proprietary infrastructure in order to obtain the code structure to complete the services. Failure to access the HTC R3 TBO infrastructure would result in disruption in service of communications systems and the inability to

share resources within the Veterans Integrated Service Network, increased maintenance time, increased system blockages, and reduced computer access to patient record databases. Public Service Commission of South Carolina authorizes HTC as the provider of service in this location. The Government must be considered the "Customer of Record" in order to have a direct relationship with Horizon who owns the equipment. This will allow VA to contact Horizon directly and be listed as a "Federal Government" account which would prevent services from being disconnected due to late or non-payment of invoices and enable VA to have Telecommunications Service Priority (TSP) in case of disasters. TSP is a Federal Communications Commission program that authorizes National Security and emergency preparedness organizations (of which VA is considered one) to receive priority treatment for vital voice and data circuits as a result of hurricanes, floods, earthquakes and other natural and manmade disasters. Moreover, HTC currently retains the "last mile" rights for these circuits. Disruption of telephone services would severely interrupt services to the medical center, its staff and Veterans that it serves. Maintaining these circuits and services would continue to provide local telephone services to VA staff with minimal disruptions.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. This effort did not yield any additional sources that can meet the Government's requirements. There is no competition anticipated for this acquisition. Additionally, the proposed action will be synopsisized on the Federal Business Opportunities Page in accordance with FAR 5.201. Any proposals that are received shall be evaluated.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed.

8. Market Research: Market Research was conducted in August 2017 by posting a Presolicitation Notice on FBO. The Presolicitation Notice was seeking sources that could provide the coverage and services listed in the Performance Work Statement with no interruption to services. The Presolicitation Notice closed with no responses received. In addition, VA's technical experts conducted market research in June 2017 by reviewing the Public Service Commission of South Carolina website to ascertain if there are other sources that can provide the aforementioned LEC services. It was determined that, while there were other sources that could provide similar services, no other sources were available with the technical and proprietary services to support the HTC infrastructure. Additional market research was conducted via email by contacting AT&T, Windstream, and CenturyLink to see if they could provide service to this facility. All vendors indicated that they were not capable of meeting the requirement given the facility is not in its Local Area Telecommunication Agreement. Based on this market research, it was determined that HTC is the only source that can meet the Government's requirements.

9. Other Facts: N/A

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.

[REDACTED]

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 a comparison with the Independent Government Cost Estimate and past historical prices paid for the same and/or similar services.

[REDACTED]

[REDACTED]

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 does not exceed \$700,000, the certification below required by FAR 6.303-2(b)(12) serves as approval.

[REDACTED]

[REDACTED]