

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. Contracting Activity: Department of Veterans Affairs, NCO 16, VA Gulf Coast Veterans Health Care System, 400 Veterans Avenue, Biloxi, MS 39531

Reference: (2237) 520-13-1-107-0001, Provide Cable TV Service Biloxi

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

A sources sought was issued on 17 Jul 12 seeking sources to provide Cable Television Services to the main medical center building as well as outer free standing buildings and trailers within the VA Campus, Biloxi, MS.

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

The proposed contract will have a twelve-month base period beginning on or about 10/1/2012 through 9/30/2013, with four (4) one (1) year option years.

There are 311 installation drops throughout the campus with the possibility of adding more drops with future construction projects. Cable service must include but is not limited to a basic channel lineup including local channels.

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

- (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- (2) Unusual and Compelling Urgency per FAR 6.302-2;
- (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- (4) International Agreement per FAR 6.302-4
- (5) Authorized or Required by Statute FAR 6.302-5;
- (6) National Security per FAR 6.302-6;
- (7) Public Interest per FAR 6.302-7;

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

Cable One is the only cable television provider in the Mississippi Gulf Coast metropolitan area and currently has infrastructure installed and used on the Biloxi Campus. Other vendors such as DIRECTV, Dish Network, and AT&T offer similar services through satellite or phone lines. However, using those vendors would require additional equipment, a change in infrastructure and the possibility of adding duplication costs. The facility could also experience unacceptable delays in fulfilling its requirements. These constraints could not be expected to be regained through competition.

The facility has used Satellite TV in the past and found it not to be a viable option for the humid sub-tropical climate of the Mississippi Gulf Coast. The Mississippi Gulf Coast experiences 4-7 months where the average precipitation can be above 5 inches of rain, increasing the chance of satellite signal loss during those particular months. The area is also prone to moderate to severe thunderstorms approximately 60 days out of the year and tropical storms or hurricanes during the months June through November.

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

A sources sought (VA256-12-4-1508) was issued on 17 Jul 12 seeking sources to provide Cable Television Services to the main medical center building as well as outer free standing buildings and trailers within the VA Campus, Biloxi, MS. The contractor was to provide basic cable plus local channels thru the current infrastructure or potential vendors could offer new infrastructure that could be installed with minimal cost and limited disruption to the VA Medical Center. Interested sources were to include a short brief course of action on how cable service can be provided with minimal impact to patient care and without any major changes to current infrastructure.

All responsible interested sources were encouraged to submit their capabilities in regard to the above no later than July 24, 2012. Sources interested in the acquisition were asked to adequately describe their technical capability and past experience providing Cable Services in the following format:

- a. Company name
- b. Address
- c. Telephone number
- d. Technical point of contact and qualifications
- e. Short brief course of action on how cable service can be provided with minimal impact to patient care and without any major changes to infrastructure.

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

The contracting officer will determine the cost to be fair and reasonable by comparison of prices on previous purchases, comparison of prices associated with similar services such as satellite television, independent government estimates or any other reasonable basis.

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

As described in Section VI above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition, advising industry of the pending acquisition and soliciting inquiries from interested parties. The three interested parties could only provide the service through substitute product of satellite television. Satellite television has failed to be a viable option for this facility in past subscriptions of cable programming.

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

There are no other facts supporting the use of other than full and open competition.

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

There were three responses to the sources sought:

Executive Broadband of Newark, DE indicated they were a small business who stated that their approach would be to use a satellite based system. All their programming would be provided through their affiliation with DIRECTV. A search of the SBA Dynamic small business search tool and SAM produced no records of Executive Broadband.

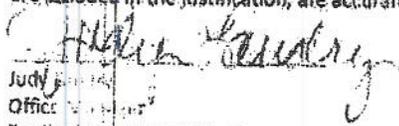
OLCR of Chester, PA indicated they were a service disabled Veteran owned small business and could provide the service through a satellite based system. OLCR was not registered in VETBIZ.

Correctional Cable TV (CCT) dba Friendship Cable of Tyler, TX responded late to the Sources Sought notice. They indicated that they were a large business and would provide the service through a satellite based system. In SAM the business was listed as Friendship Cable of Texas, INC doing business as Correctional Cable. However, the representations and certifications have not been completed for this entity.

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:

Until more providers enter the local market, there is little action this office can take to remove barriers to competition of future acquisitions.

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.


Judy
Office
Facility Management Service

Date

9/24/12

13. Approvals in accordance with FAR 6.304

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

Windell L. Lance 187507

Creatively signed by Windell L. Lance 187507
DPS Acquired, DC:13, contract contract: 092342 1920300 100.1 1920300 100.1
on: Windell Lance 187507
Date: 2012/09/20 14:25:05 -0500

Windell Lance
CONTRACTING OFFICER
NCO 16, Station 520, Biloxi, MS

Date

b. CHIEF P&C: I certify the justification meets requirements for restricting consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4.

Donna Frazza
Donna Frazza
CHIEF, PURCHASING AND CONTRACTING
NCO 16, Station 520, Biloxi, MS

9/24/12
DATE

Greg Daville
Greg Daville
Acting Network Contract Manager
Network 16 Contracting Office

9/27/12
Date