

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 08, 0673 Medical Center 516-13-1-9682-0021; Time Warner Telecom DBA TW Telecom Holdings, Inc.
2. **Nature and/or Description of the Action Being Processed:** A new acquisition is currently being conducted at the VA National level which will contain all telecommunications services within the VA to include voice, data and wireless. The new acquisition has met with difficulties in its progress and therefore the services need to be procured for continuation one more time at the VISN and station levels to provide the requisite time necessary for completion of the new acquisition. This service cannot lapse without detriment to the VA. This action is to be awarded as a new firm-fixed-price contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Integrated data service telecommunications services via Central-Office based dial tone facilities to activities located at Bay Pines VAHCS and associated Community-Based Outpatient Clinics (CBOCs), regional Vet Centers and off-site VA services. Services include provide trouble reporting and administration with trouble ticket entry, trouble ticket status, test result entry and trouble ticket history; provide trouble ticket and provide notification of trouble repair processes to customer; provide a detailed monthly invoice; identify discrepancies and assistance to correct the identified discrepancies. The total estimated dollar value of this requirement is \$434,376.00. The period of performance for this requirement is 1 October 2012 – 30 September 2013.
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;
 - (X) (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):** The incumbent is the only contractor we can use as any other would require significant cost and time which would prove detrimental to the VA. This is not an attempt to avoid full and open competition as full and open competition is currently being conducted on the new acquisition. An attempt to award to any other contractor would greatly impair the VA healthcare capabilities or seriously degrade mission performance by causing a lapse in services which would interrupt the day to day operations of the VA Medical Center (VAMC) and its ability to provide high quality healthcare

services. Failure to provide routine and critical healthcare would put the life and safety of our Veterans at risk. It would also negatively impact all other aspects of day-to-day operations in access to scheduling, pharmaceutical needs, mental health services, notification and emergency contact services for the Veteran. Lastly, if these critical services were to be interrupted, the Veteran would be unable to contact the VA for any emergencies as well as impair the VAMCs ability to respond to local or national emergencies.

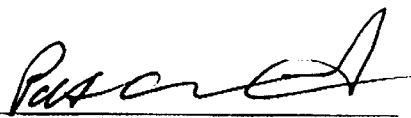
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Full and open competition is currently in motion for the new contract and is expected to include soliciting all interested sources. An Integrated Product Team (IDP) has been created and staffed for this major acquisition.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The price of the original full and open acquisition was deemed fair and reasonable and has increased over last year by 5%. Therefore, the current price is deemed fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Extensive market research is currently being conducted on the new acquisition.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** This requirement was expected to be in place on 1 October 2012 and therefore, this continuation of service would not have been necessary. The new acquisition has met with difficulties in its progress, delaying its start. In addition, the cost to the VA, in man-hours, resources from Contracting, the Office of Information & Technology, other VA staff, in conducting a full and open competition for this continuation while the new acquisition is underway would place critical services at risk and would prove to be a redundant effort while the new acquisition is being conducted on the national level utilizing full and open competition. Lastly, other costs and risks would be incurred if a different contractor, other than the incumbent, was selected to continue these essential telecommunications services.

Providing these critical telecommunications services requires much planning, manpower and carrier-owned, facility-based specialized equipment to effectually accomplish these essential telecommunications services throughout VAMC campuses, associated Community-Based Outpatient Clinics (CBOCs), regional Vet Centers and off-site VA locations such as Veterans Outreach Centers and to the rest of the general public, both business and private, through a complex system of routes and switches.

The cost of new equipment is expensive and takes time, in some cases, extensive time, to implement. If the telecommunications carrier were to be changed, significant expenses are likely to be incurred as a result of the possible overlapping of services during the transition to the new carrier, servicing in reconfiguring the network, disconnecting equipment and re-installing redundant equipment while possibly experiencing time delays and service disruptions.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section 4.
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:** All barriers are expected to be removed upon the acquisition of the new requirement. Full and open competition is currently in motion and this particular justification is to prevent impairment of the delivery of critical healthcare services.

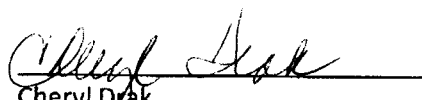
12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge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


Pat Arrowood
Senior Telecommunications Specialist
OI&T Region 3 TBO

11-9-12
Date

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.


Cheryl Drake
Contracting Officer
NCO 8, Bay Pines VAMC

11-9-12
Date

- Cheryl Drake*
Cheryl Drake
Contracting Officer
NCO 8, Bay Pines VAMC

SOP Other Than Full and Open Competition
Original Date (3/22/2011)

Iris B. Cooper
Deputy Senior Procurement Executive (DSPE)
Office of Acquisition and Logistics
Department of Veterans Affairs

Date

- g. **VHA Senior Procurement Executive Approval (over \$50 million)**: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Jan R. Frye
Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs

Date