

MEMORANDUM TO THE FILE

**Subj: JUSTIFICATION FOR USE OF OTHER THAN FULL AND OPEN  
COMPETITION  
FOR A FAR PART 13 ACQUISITION UNDER THE SIMPLIFIED  
ACQUISITION THRESHOLD**

**I. BACKGROUND:**

1. FAR 13.106-1(b)(1)(i) states for purchases not exceeding the simplified acquisition threshold, Contracting Officers may solicit from one source if the Contracting Officer determines that the circumstances of the contract action deem only one source reasonably available (e.g., urgency, exclusive licensing agreements, brand-name or industrial mobilization).
2. As required by FAR 13.106-3(b)(3)(i), this memorandum explains the absence of competition for this acquisition, as only one source will be solicited for this requirement (or for a portion of the requirement) and the requirement (or portion of the requirement to be sole-sourced) is not expected to exceed the simplified acquisition threshold.

**II. DESCRIPTION OF ITEM OR SERVICE:**

*To provide cellular service to permanent personnel and rotating platoon. T-mobile is the only service provider operational in Guantanamo Bay Cuba. Requesting service by March 01 2022 for 3 year option.*

**III. THE DETERMINATION FOR USE OF OTHER THAN FULL AND OPEN  
COMPETITION IS BASED ON THE FOLLOWING (select all that apply):**

**A. ☒ ONLY ONE RESPONSIBLE SOURCE (select all that apply):**

1. ☐ RESTRICTIVE RIGHTS. The source has established proprietary rights, limited rights in data, patent rights, copyrights or secret processes in the item or service required.
2. ☐ EXCLUSIVE LICENSING AGREEMENTS. The item or service is only available from the Original Equipment Manufacturer (OEM), or there is only one authorized distributor or technical representative for the OEM.
3. ☒ OTHER REASONS. T-Mobile is the only service provider operational in Guantanamo (GTMO) and plays a critical role in communications between sections. MCSFCO security operations is an enduring priority which requires immediate response from personnel.

**B. ☐ BRAND NAME**

Item required must be a brand name, product, or feature of a product, particular to one manufacturer.



C. x **URGENT AND COMPELLING.** The supplies or services are of such unusual and compelling urgency that the Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals. Urgent requirements are supplies or services that will result in a work stoppage, or are mission critical and the routine processing time would result in injury to the Government. The determination that the procurement for the above item/service is an urgent and compelling requirement is based on the following:

1. Date on which the requirement was first identified: 02 18 2022
2. Required delivery date/period of performance: 03 19 2022
3. Explanation of why delivery/commencement of services by the date mentioned above is required: MCSFCO security operations is an enduring priority which requires immediate response from personnel. This is a necessity MCSFCO requires for mission readiness. If phone service is not provide from T-mobile on the requested date there will no contact and the mission fails.
4. N/A

V. CERTIFICATIONS:


A. **Technical / Requirements Certification:** I certify that the facts and representation under my cognizance which are included in this justification are complete and accurate to the best of my knowledge and belief.

  
Signature

Garcia Oscar  
Name (Printed) / Phone #

220223  
Date

B. **Contracting Officer Certification:** I certify that this justification is accurate and complete to the best of my knowledge and belief.

  
Signature

GySgt White-Sanchez 7574454290  
Name (Printed) / Phone #

3/10/2022  
Date



**DETERMINATION:**

**SERVICES TO BE PROVIDED ARE NOT INHERENTLY GOVERNMENTAL**

*This determination addresses the requirements of FAR 7.503(e) and DFARS 207.503(e).*

1. FAR 7.503(e) requires the agency head or designated requirements official to provide the contracting officer, concurrent with the transmittal of the statement of work, a written determination that none of the functions to be performed are inherently governmental (IG). DFARS 207.503(e) requires that the written determination required by FAR 7.503(e) be prepared in accordance with DoD Instruction 1100.22, and that it include an additional determination that none of the functions to be performed are exempt from private sector performance. This document satisfies these requirements.
2. FAR 2.101 defines IG functions and lists a limited number of activities that are generally considered not IG. FAR 7.503 includes a non-exhaustive list of 20 examples of functions considered to be IG.
3. DoD Instruction 1100.22 further identifies four categories of activities that are IG functions, and it identifies the criteria that create exemptions from private sector performance.
4. DoD Instruction 1100.22 cautions that decisions as to whether or not a function is IG should place emphasis on the degree to which the conditions or facts restrict or put at risk the discretionary authority, decision-making responsibility, or accountability of Defense officials.
5. This requirement is *to provide cellular service to permanent personnel and to support Marines at GTMO detached from out of MCSFR. This will allow the unit for immediate response and continue to provide support to the Marines detached to GTMO.*
6. The tasks to be performed by the contractor under the requirement are not IG. The tasks that the contractor will perform do not require military-specific knowledge or skills, and its employees will not be augmenting infrastructure during war. The contractor's actions and decisions will not directly further the interests or policies of the United States. The contractor's tasks will not include activities that require either the exercise of discretion in applying Government authority, or the making of value judgments in making decisions for the Government.
7. An analysis of the Manpower Mix Criteria set forth in DoD Instruction 1100.22 has been conducted and confirms the determination that the tasks to be performed by the contractor under this requirement are not IG.
8. The nature of the relationship between the contractor and the Government will not permit contractor personnel to carry out IG activities. The nature of the contractor's relationship with Government personnel will not restrict or put at risk the discretionary authority, decision-making responsibility, or accountability of Defense officials. The contractor and its



personnel will function purely in a support role to Government personnel, furthering the interests of the United States. Because of the support role of the contractor, its employees will not have direction and/or control of combat or crisis situations, and they will not have control or authority over civilian Government personnel. This requirement does not involve functions that are exempted from private sector performance, for operational risk reasons or other.

9. Upon the basis of the above and in accordance with FAR 7.503(e), DFARS 207.503(e), and DoD Instruction 1100.22, I hereby determine, as the designated requirements official, that the services being procured are not inherently Governmental in nature, and that none of the functions to be performed are exempt from private sector performance.
10. The appropriate Inherently Governmental Functions Indicator for the services requirement identified in Paragraph 5., above, is:

*(3) Other Functions*



Garcia Oscar  
Communications Chief

220223  
Date