

JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION

Acquisition Title:

Agency:

Acquisition Year:

Author:

2. Description of Action:

Nature:	<input checked="" type="checkbox"/> New Requirement	<input type="checkbox"/> Follow-on Requirement	
	<input type="checkbox"/> Modification to Existing Purchase Order/Contract Number:		
Pricing:	<input checked="" type="checkbox"/> Firm-Fixed Price	<input type="checkbox"/> Time & Materials	<input type="checkbox"/> Cost
	<input type="checkbox"/> Other:		
Funds:	<input type="checkbox"/> OMA	<input type="checkbox"/> Other Funds:	

Name of Proposed Contractor(s):

Street Address:

City, State, Zip:

3. Description of Services or Supplies:

Basis for Approval (FAR 6.303-1(d)):	<input checked="" type="checkbox"/> Individual Basis	<input type="checkbox"/> Class Basis
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The total estimated value of the proposed action, including all options is \$

The current Internet and phone services are unreliable and frequently disconnect when accidents and construction cut the fiber lines between Gallup and Albuquerque. When events like this happen, our patient care services are extremely limited if not suspended. This impacts our ability to transfer patients to other higher level healthcare facilities.

4. Authority and Rationale: Identify the statutory authority, FAR title and FAR citation permitting other than full and open competition. It may be one of the following most commonly used citations by the operating divisions of the Department of Health and Human Services (HHS), but other exceptions may apply per [FAR Subpart 6.3](#).

Sacred Winds is the only Internet Service Provider in the area that has redundant (two service fiber lines) lines between Gallup Service Unit and Albuquerque, NM. One runs parallel with Interstate 40 and the other routes up to Farmington, NM over to Albuquerque. The two routes ensure reliable Internet service is always available, specifically when incidents or accidents happen along Interstate-40 corridor. No other ISP has this redundant capability that Sacred Winds has incorporated into their network architecture. Redundancy or having a backup ISP is critical to provide adequate patient care, communicating via wifi calling with other hospitals, and medical air transportation when phone or cell phone coverage is not available. The last outage left our facility without Internet, landline phones and limited cell service for 14 hours. Similar incidents with lengthy outages have been occurring.

Actions other than simplified acquisition procedures (select only one and provide an explanation):

- ☐ [FAR 6.302-1](#): Only one responsible source and no other supplies or services will satisfy agency requirements, 41 U.S.C. 3304(a)(1)

N/A

- ☐ [FAR 6.302-2](#): Unusual and compelling urgency, 41 U.S.C. 3304(a)(2)

N/A

- ☐ [FAR 6.302-5](#): Authorized or Required by Statute, 41 U.S.C. 3304(a)(5)

N/A

- ☐ Other (See [FAR Subpart 6.3](#) for additional authority):

5. Bridge Contracts:

N/A

6. Actions to Increase Competition:

Due to only one contractor able to provide the services, this requirement was not competed. However, a Notice of Intent to Sole Source will be posted on sam.gov for potential sources to provide capability statement for the next requirement.

7. Market Research:

In accordance with FAR 10.002(b)(2)(ii), market research conducted by reviewing the results of recent market research undertaken to meet similar or identical requirements as the IT department contacted the following Contractor for the scope of the service: 1) Navajo Communications (Frontier), network does not reach Gallup.

Once the contract specialist posts the Intend to Sole Source Notice on Sam.gov; the government could receive potential Contractors to review for next requirement's market research. Contact was made with local ISP providers, of which Sacred Winds was the only provider to have redundant fiber lines. Therefore market research was limited due to the scope of the project.

8. Procurement History:

Purchase order or contract number:

N/A

Was action competed?

☐ Yes

☐ No

If action was not competed, state the cited authority, summarize rationale, and describe the actions that were supposed to be taken to increase competition and the results thereof:

N/A

9. Additional Information to support the justification

N/A

10. Technical / Requirements Certification: *By my signature below*, I certify that the supporting data under my review which is included in this J&A is accurate and complete.

Program Manager	
Name:	
Position Title:	
Email address:	
Phone:	
Program Manager Supervisor (or one level above Program Manager)	
Name:	Clarissa John
Position Title:	Supervisory IT Specialist
Email address:	clarissa.john@ihs.gov
Signature	Clarissa John -S Digitally signed by Clarissa John -S Date: 2023.06.23 16:09:52 -06'00'
Date:	505-726-8664

11. Fair and Reasonable Price Determination: As Contracting Officer, by my signature below, I hereby determine that the anticipated cost to the Government for this contract action will be fair and reasonable.

[Redacted Signature]

12. Contracting Officer's Approval (Required for proposed contract not to exceed \$700,000 (value calculated including all options)): I hereby certify that this justification is accurate and complete to the best of my knowledge. I approve this sole source justification subject to availability of funds, and provided that the services and supplies herein described have otherwise been authorized for acquisition.

Name:	Misty Billy	Phone:	505-399-0177
Signature:	Misty J. Billy -S Digitally signed by Misty J. Billy -S Date: 2023.06.26 11:45:33 -06'00'	Date:	

13. Legal Review:

N/A

14. OPDIV Competition Advocate Approval (Required for proposed contract over \$700,000 but not exceeding \$13.5 million value calculated including all options):

I have reviewed this justification and find that it adequately supports other than full and open competition.

Name:	N/A	Phone:	
Signature:		Date:	

15. Office of Small and Disadvantaged Business Utilization

I have reviewed this justification and find that it adequately supports other than full and open competition.

Name:	N/A	Phone:	
Signature:		Date:	

16. OPDIV HCA Approval (Required for proposed contract over \$13.5 million but not exceeding \$68 million value calculated including all options):

Name:	N/A	Phone:	
Signature:		Date:	

HHS Senior Procurement Executive (SPE) Approval

Based on the foregoing justification, I hereby approve the procurement of (state supplies/services being procured) on an other than full and open competition basis pursuant to the authority of (state the full statutory authority and FAR cite and title, consistent with paragraph 4, e.g. 41 U.S.C. 3304), as implemented by [FAR 6.301](#)), subject to the availability of funds, and provided that the services herein described have otherwise been authorized for acquisition.

Name:	N/A	Phone:	
Signature:		Date:	