

Date: January 19, 2023

MEMORANDUM

Subj: **USE OF OTHER THAN FULL AND OPEN COMPETITION FOR AN ACQUISITION UNDER THE SIMPLIFIED ACQUISITION THRESHOLD**

Ref: (a) PR Number(s): N7027223PRCOX23

I. BACKGROUND:

1. In considering the references, 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, under the circumstances of the contract action, only one source is reasonably available (e.g., urgency, exclusive licensing, 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 because only one source will be solicited for this requirement (or for a portion of the requirement) and the requirement is not expected to exceed the simplified acquisition threshold.

II. DESCRIPTION OF ITEM OR SERVICE:

1. Provide a description of the item or service required, to include

a) the name of the required source or brand name

Cox Communications Hampton Roads, L.L.C.

b) the required delivery date/period of performance and

March 1, 2023 to February 28, 2025

c) its intended use.

Commercial business lines (including ancillary services such as caller ID and voice mail), private line point circuits (1.544 Mbps-T1), fast Ethernet (METRO-E, 10Mbps, 30mpbs), primary rate interface (PRI) Digital circuits with direct in dial number block for video teleconferencing (VTC) and equipment support services for communications circuit unctionality.

2. List the source(s) or known vendor(s) who are able to provide the above described item or service.

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

A. XX Only one responsible source (select all that apply):

1. XX RESTRICTIVE RIGHTS: the source has established proprietary rights, limited rights in data, patent rights, copyrights, or secret processes in the item or service.

a. Explain what is subject to the restrictive rights.

Current services are being provided by Cox Communications LLC. All lines and circuits in place are proprietary to Cox Communications.

b. If drawings are included, who is identified as “owning” the drawings.

Cox Communications LLC

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.

a. Identify the OEM and explain the circumstances surrounding why the item or service is only available from the OEM.

b. Identify the distributors / authorized technical representatives for the item or service. Provide evidence of the licensing or OEM certification agreement as an attachment to this document.

3. XX OTHER REASON:

a. XX CRITICAL EQUIPMENT: The required item is critical equipment, the failure of which poses a hazard to the operational system, the crew, or the environment.

i. Explanation on how requirement and intended purpose is critical:

Telecommunications are critical to operations and are identified as lifesaving critical equipment.

b. STANDARDIZATION / BRAND NAME: only the specified make/model of the equipment/parts will satisfy the Government’s needs for additional units or replacement items.

i. Identify Make / Model Number(s):

ii. Identify other systems with this Make / Model:

c. FORM, FIT, AND FUNCTION: Item is direct replacement parts / components for existing equipment and must be compatible in terms of form, fit, and function with existing equipment / configurations.

i. Identify Make / Model of existing equipment:

ii. Describe how the equipment must be compatible with the existing configuration.

d. _____ OTHER:

4. _____ UNUSUAL AND COMPELLING URGENCY: 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. Urgent requirements are supplies or services that will result in work stoppage, or are mission critical and the routine processing time would injure the Government. The determination that the procurement for the above is an urgent and compelling requirement is based on the following:

a. Date on which the requirement was identified: _____

b. Required delivery date / Period of Performance: _____

c. If the difference between a. and b. is more than one week, explain the delay in submitting
t he requirement.

d. Estimated production lead time: _____

e. Explanation of why delivery / commencement of services by the date required is needed: (explain the impact to the mission, any special circumstances or conditions, etc.)

f. CASREP Number: _____

IV. ANTICIPATED DOLLAR VALUE OF PROCURMENT: XXXXXXXXXXXXXXXXXXXX

V. CERTIFICATIONS AND APPROVALS:

Technical / Requirement 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.

