

J&A #:

USE OF OTHER THAN FULL AND OPEN COMPETITION SAP

1. Identification of Agency and Contracting Activity

Agency: Commander, Navy Region Hawaii (CNRH)

Contracting Activity: NAVSUP Fleet Logistics Center Pearl Harbor (FLCPH) Regional Contracting Office

2. Nature and/or Description of the Action Being Approved

Cable TV and Internet services for Joint Base Pearl Harbor Hickam (JBHH)

Period of Performance: 01 March 2023 - 29 February 2024

Sole Source Service Provider (no dealers): Charter Communications Operating LLC

3. Description of Supplies/Services to Meet the Agency's Needs Including Estimated Value

Cable TV and Internet services for Joint Base Pearl Harbor Hickam (JBHH)

Estimated Value: [REDACTED]

Is the requested material or service represents the minimum requirements of the Government Estimated Dollar? Yes

Estimated Dollar Value:

FY/Option/Ordering Period	OM&N	OPN	RDT&E
3/1/23-2/29/24	[REDACTED]		
Subtotals	[REDACTED]		
Total			[REDACTED]

4. Statutory Authority Permitting Exception to Fair Opportunity

41 U.S.C. 1903 as implemented by FAR 13.106-1(b)(1)(i) One Source Reasonably Available Select 2nd Statutory Authority

Additional Information Regarding Statutory Authority if Applicable

Procurement Request/Solicitation/Purchase Order Number: N6281323RC00DAW

Control Number:

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 is not expected to exceed the simplified acquisition threshold.

II. DESCRIPTION OF ITEM OR SERVICE

Provide a description of the item or service required, to include its intended use, the name of the required source or brand name, the estimated cost/price, and the required delivery date/period of performance

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III. THE DETERMINATION FOR USE OF OTHER THAN FULL AND OPEN COMPETITION IS BASED ON THE FOLLOWING:

A. ONLY ONE RESPONSIBLE SOURCE

Yes

1. Restrictive Rights

No

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

No

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

Yes

Provide details on mission impact if requirement is not solicited from only one source

Only one responsible source, Charter Communications Operating LLC, can provide both cable TV and high speed internet access with hard-wired cable connections to all required customer locations on Joint Base Pearl Harbor Hickam (JBPHH). The existing fiber optic and copper coaxial cable infrastructure that provides cable TV and Internet signals to these locations are owned by Charter Communications Operating LLC. Hard-wired cable is required, as opposed to satellite, due to the restrictions on modifying, adding, and mounting fixtures and materials of any type on buildings designated as or within historical districts, which are commonplace within JBPHH. Additional market research resulted in confirmation from Hawaiian Telcom that they are unable to offer cable TV services. Any other source attempting to provide all required services would be required to develop and install a new infrastructure, which would not be able to be completed prior to the expiration of the existing contract, resulting in unacceptable delays and interruptions in cable TV and Internet services.

B. BRAND NAME

No

Item required must be a brand name product, or feature of a product, particular to one manufacturer. Discuss why you are precluding consideration of a product manufactured by another company. Describe how the particular brand name, product, or feature is essential to the Government's requirements and why a "brand name or equal" purchase description cannot be used (see FAR 11.104). Describe how market research indicates other companies' similar products or products lacking the particular feature do not meet, or cannot be modified to meet, the agency's needs

C. UNUSUAL AND COMPELLING URGENCY

No

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:

Discuss why you are precluding consideration of a product manufactured by another company. Describe how the particular brand name, product, or feature is essential to the Government's requirements and why a "brand name or equal" purchase description cannot be used (see FAR 11.1014). Describe how market research indicates other companies similar products and products lacking the particular feature do not meet, or cannot be modified to meet, the agency's need.

1. Date on which the requirement was first identified:
2. Required delivery date/period of performance:
3. Explanation of why delivery/commencement of services by the date mentioned above is required: Explain the impact to the mission if the date above is not met, any special circumstances or conditions that exist which validate the requirement as "urgent," estimated production lead time for the item, etc.
4. If appropriate, include any additional pertinent information:

CERTIFICATIONS/APPROVALS:

TECHNICAL CERTIFICATION

Technical Cognizance

Requirements Cognizance

Signature

Name

Phone

Date

CONTRACTING OFFICER CERTIFICATION

Contracting Officer's Signature

LEVEL ABOVE CERTIFICATION

Level Above the Contracting Officer

Signature

Name

Phone

Date

LEGAL SUFFICIENCY REVIEW

Legal Sufficiency Review

Signature

Name

Phone

Date

HEAD OF CONTRACTING ACTIVITY APPROVAL

HCA Approval

Signature

Name

Phone

Date