

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

Pursuant to the Federal Acquisition Regulation (FAR), Part 6.302-1 (a) (1) and 6.302-1(a) (2), and the Bureau of Prisons Acquisition Policy, Subpart, 6.304(a), the Federal Bureau of Prisons (BOP) has determined the use of other than full and open competitive procedures is justified for this procurement action. The following is supporting documentation in accordance with FAR Subpart 6.303-2 (Content).

1. Agency:

Department of Justice
Federal Bureau of Prisons
Federal Correctional Complex (FCC Yazoo City)
2225 Haley Barbour Parkway
Yazoo City, Mississippi 39194

2. Nature and/or Description of Action Being Taken:

FCC Yazoo City has a requirement for wired telecommunication services for the complex. AT&T/BellSouth is the sole source provider for phone services that are needed to ensure that communication is operating fully and functional at FCC Yazoo City. AT&T is the only known provider of this type of requirement. AT&T is the local, sole source provider for existing phone services and equipment in the geographical area. This procurement for services will be acquired as a sole source.

3. Description of supplies or services required to meet the agency's needs:

FCC Yazoo City requires services for wired telecommunication (phone services). The estimated cost for this requirement is **\$238,584.00**. At this time, AT&T is the only responsible vendor that can satisfy the specified requirement and provide service, parts, equipment, and installation, if needed, for existing phone equipment at FCC Yazoo City.

4. Statutory Authority permitting other than full and open competition:

41 U.S.C. 253 (c) (1) OR 10 U.S.C. 2304 (c) (1), One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirement

5. Determination that the nature of the acquisition requires use of the authority cited:

AT&T is the only, responsible source in the geographical area to provide wired telecommunications services. AT&T can meet the needs of the agency and provide phone services for the complex at FCC-Yazoo City. AT&T's wired telecommunication services are needed to ensure that communication is operating fully and functional for the Complex. If there was a major breakdown, malfunction, or equipment failure with the phone service, it would be extremely difficult procuring phone services elsewhere. It is in the best interest of the government to procure wired telecommunication services from

AT&T/BellSouth. In an effort to maintain the integrity of the equipment and preclude the institution from experiencing unauthorized and non-responsible vendors, it is determined that AT&T/BellSouth is the only responsible source that can satisfy the agency's requirement; provide services within the agency's local geographical area; and accommodate the needs of the institution/complex in a timely and reasonable manner.

6. Efforts made to solicit from as many potential sources as practical, including whether a notice was or will be publicized:

A *Special Notice* to negotiate on a sole source basis was solicited on www.SAM.gov for this requested telephone services with AT&T/BellSouth. Information was provided via e-mail and internet search, but vendors were unable to provide the services needed. Most phone services on the internet were for mobile service and not wired telecommunication service (telephone services). It is in the best interest of the government to procure services from AT&T/BellSouth. Due to these difficult and extreme circumstances, the procurement will be completed under the authority found in FAR 6.302-1, Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements. FCC-Yazoo City is currently using AT&T as a sole source provider for existing phone service and equipment at the complex.

7. Contracting Officer Determination that the cost to the Government will be fair and reasonable:

The contracting officer determined that the anticipated cost to the government is fair and reasonable. The price being offered by the vendor is considered to be fair and reasonable because it coincides with the prevailing rates offered to the community.

8. Description of the Market Research Conducted:

A market survey was not conducted.

9. Other facts supporting the use of other than full and open competition:

Due to the seriousness of not having wired telecommunication services (phone services), communication at the institution/complex would not be at a high level. Communication would not be operating at full and functional capacity. It would most definitely pose extreme, security issues at the institution/complex. It is in the best interest of the government to award this procurement for services in an expedient manner using Other than Full and Open Competition.

10. List of sources expressing in writing interest in the acquisition:

None

11. Action taken, if any, to remove or overcome any barriers to competition:

The Contracting Officer has determined that this type of procurement is rare due to AT&T being the only, responsible source to provide phone services in the local area. Market research will continue to be conducted to ascertain the availability of other sources for competition for future acquisitions.

Certifications and approvals:

I certify that the above justification is accurate and complete to the best of my knowledge and belief:

Requested by:



Kecha Goston, Contract Specialist



Date

The Federal Bureau of Prisons, Federal Correctional Complex, Yazoo City, Mississippi, intends to negotiate on a sole source basis with AT&T/BellSouth, 12851 Manchester Road, Room 1- W-250, Saint Louis, MO 63131-1802, for local telephone services for existing equipment. The Period of Performance will be from October 01, 2021 thru September 30, 2022. This notice is not a request for quotations or a solicitation for offers. Based on this requirements, the Government intends to solicit and negotiate with one source on a full and open competitive basis upon receipt of responses to this notice from AT&T. This notice is solely within the discretion of the Government. No formal request for a quotation package is available. Only written responses will be accepted and must be received within one (1) calendar day of the date of this notice. The Government anticipates an award date on or about October 01, 2021 thru October 15, 2021. The Government will not be responsible for any costs in the preparation of responses to this announcement.

****PROCUREMENT TYPE: SPECIAL NOTICE ONLY
THIS NOTICE IS NEITHER A REQUEST FOR QUOTE
OR A SOLICITATION FOR OFFERS**