

Justification for Other Than Full and Open Competition (JOFOC) 10 U.S.C. 2304(c) (2) or 41 U.S.C. 253(c) (2)

The supplies and/or services required for this procurement are needed As Soon As Possible and represent an unusual and compelling urgency. The current level of service being carried out by the Agency, would seriously impact its ability to carry out its required function in providing quality services to the population, which it serves.

1. Requisition Number: REQ 40104623 A13PS 00745	2. Authority: <input checked="" type="checkbox"/> FAR 6.302-1—sole-source <input type="checkbox"/> FAR 6.302-2—urgent/compelling	3. Contract Type <input type="checkbox"/> Cost reimbursement <input checked="" type="checkbox"/> Firm—fixed price <input type="checkbox"/> Incentive	4. Contract Format <input type="checkbox"/> Supplies <input type="checkbox"/> Personal services <input checked="" type="checkbox"/> Services <input type="checkbox"/> Non-personal services Other: _____
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5. Title of the Project/Service:

Renewal of data storage facilities for BIA data

6. Performance Location:

Throughout Bureau of Indian Affairs

7. Name and Contact Information of Proposed Contractor (if known) Name: Paul Johnson, Enterprise Government Account Manager Address: Iron Mountain 1821 Michael Faraday Drive, Suite 100 Reston, Virginia 20190 Phone:	8. Requested by: Jenny Brooks	Phone: (505) 563-5016
	9. Program Manager: Anthony Rousseau	Phone: (505) 563-5015
	10. COTR: None Assigned	Phone:

11. Performance Period	12. Administration Data	
a. Proposed start date: 30 Sept 2013 10/1/13	a. Number of units (total hours, quantity, etc.): One year of support coverage Plus 4 option year	b. Total estimated value (total cost): \$28,622.64
b. Proposed completion date: 31 October 2014 9/30/14	c. This acquisition is: <input checked="" type="checkbox"/> An entity in itself <input type="checkbox"/> Part of a series of related acquisitions	d. Award will be made by: <input type="checkbox"/> Competition <input checked="" type="checkbox"/> Other than full and open competition
c. Work Schedule (i.e., 8a–5p; 7 on 7 off; M–F):	e. Pricing is based upon: <input type="checkbox"/> Program Manager's judgment based upon similar purchases <input type="checkbox"/> Historical pricing (paid in past) <input checked="" type="checkbox"/> Market research (including open market, FSS, and GSA)	

13. Justification:

Briefly describe what makes this vendor so unique as to warrant using a JOFOC—FAR 6.302-1(a)(2)(b)

The IT Subject Matter Experts evaluated several products before they all unanimously concluded this was the most comprehensive and inexpensive product that will meet the needs of ensuring the BIA network remains secure.

14. Background Information

Briefly describe how the project evolved and what relationship it has to your department.

The Bureau of Indian Affairs has invested a significant amount of time and money in establishing a secure network, this product is critical to maintain that level of accuracy. Other products do not provide the level of security needed.

15. Description/Scope of Work

a. Describe the work requirement(s); this section should contain all the technical details related to the contractor's work requirement including all required products and/or guidelines that are to be used and any special considerations or constraints that apply to the contractor. If this is a service contract, then attach a copy of the Statement of Work, position description, or other documentation.

Renew existing coverage

b. Briefly describe how this requirement will help the program.

Improves business agility by simplifying BIA's infrastructure to create a more dynamic and flexible datacenter. This purchase will ensure the continued safe operation of the BIA network.

c. Briefly describe how this requirement was procured in the past.

Unknown

d. Will future requirements such as this be needed? Will the requirement be sent out for competition?—FAR 6.303-1 and relevancy to FAR 6.502 (a) and (b)

Yes, this will be an annual renewal.

e. What is the final deliverable that will be completed? A deliverable will be used to measure successful performance. The COTR must provide an evaluation that will be used in determining whether the contractor has achieved or met the requirements.

This is a COTs product. Deliverable will be proof of data storage for one year.

16. Statutory Authority (FAR 6.301 (a) & (b) and FAR 6.303-2(a)(4))

The applicable statutory authority permitting this acquisition may be found at 41 U.S.C. 253(c) (1), (2), and (3).

17. Applicability of Authority (FAR 6.3 Other than Full and Open Competition)

A justification shall be supported by verifiable facts rather than on mere opinions. Documentation in a JOFOC must be sufficient to permit an individual with technical competence in the area to follow the rationale. (FAR 6.303-1 (a) (1), (2), and (3)).

A lack of planning, either from a delivery or from a funding viewpoint is not a sufficient reason to justify a JOFOC, especially when using this exception. (FAR 6.301 (c) (1) and (2)).

When a program/department chooses to obtain certain goods/services/supplies by contract without full and open competition, it shall furnish the Contracting Officer with an explanation as to why a JOFOC is more feasible. All JOFOCs will be reviewed by the Contracting Officer.

Unusual and Compelling Urgency (FAR 6.302-2): This authority (41 U.S.C. 253 (c) (2) is intended to be used only when the "need for the supplies or services is such unusual and compelling urgency that the Government would be seriously injured". Where this exception is used, the specific extent and nature of harm to the Government must be stated in the section entitled, *Other Facts Supporting Use of This Exception*. This Exception, 41 U.S.C. 253 (c) (2) authority should not be used to circumvent synopsis, solicitation, and competition requirements.

18. Fair and Reasonable Price Determination

The price of this acquisition will be fair and reasonable to the Government: Yes No

19. Market Research

Briefly describe what additional efforts have been made in identifying other sources.

As this product has been researched extensively by several subject matter experts for the BIA. It is not prudent to seek out alternative sources. The knowledge and experience with this product has already been established. Other products of this nature do not provide the level of security needed for

20. Other Facts Supporting the Use of the Exception

Briefly describe what additional efforts have been made in identifying other sources.

The cost to the BIA to seek out a new product, retrain personnel, and procure new equipment would be prohibitive.

21. List of Interested Sources

Vendor Name:	Vendor Name:	Vendor Name:
Iron Mountain		
Address: 1821 Michael Faraday Drive, Ste 100 Reston, Virginia 20190	Address:	Address:
Contact Person: Paul Johnson	Contact Person:	Contact Person:
Phone: (703) 889-6139	Phone:	Phone:

22. Actions to Increase Competition

In the event that this requirement is needed again, how can the Agency seek adequate competition the next time? Select one or more of the following:

- Proper acquisition planning
- Small purchasing
- Simplified acquisition
- Commercial contracting
- Negotiated procurement
- Tribal 638 procurement
- Prescribed sources of supply (GSA, FSS, buy-Indian, veteran-owned, women-owned, JWOC, etc.)

Federal Acquisition Regulation (FAR) 6.3 Other than Full and Open Competition, 41 U.S.C. 253(c) and 10 U.S.C. 2304(c) policy states that "Contracting without providing for full and open competition is a violation of statute." A JOFOC should not be used due to a lack of planning or because funding is about to expire.

A JOFOC is designed to fulfill a short-term need and should not be used for as a permanent solution unless authorized by the Contracting Officer.

Approval is required prior to negotiating with the proposed source.

Certification in the request for contract, or by requisition attached to this document, indicates that funds are available for this acquisition, or if funding is not presently available but is anticipated, no award will be made until such funding is obtained.

An award will be made only if, during negotiations, the anticipated cost to the Government is shown to be fair and reasonable.

For the reasons explained in the attachment(s), the approving officials consider this acquisition appropriate for negotiation with the contractor indicated above, using other than full and open competition, and do so recommend, concur, or approve.

As evidenced by their signatures, on this Justification For Other than Full and Open Competition document, the Contracting Officers Technical Representative and the Contracting Officer also certify that, to the best of their knowledge and belief, the justification is accurate and complete and that the technical and requirements personnel have certified that any supporting data contained herein, which is their responsibility, is both complete and accurate (FAR 6.304).

23. Certification and Signature Approvals

Pursuant to FAR 1.707 signature authority, I certify that I have thoroughly reviewed this Justification for Other than Full and Open Competition and recommend approval.

Recommend	Approve	Title	Typed Name	Signature	Date
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Requestor/Initiator	Jenny Brooks	Jenny Brooks <small>Digitally signed by Jenny Brooks DN: cn=Jenny Brooks, o=BIA, ou=BIAT/OIG/Systems, email=jenny.brooks@bia.gov, c=US Date: 2013.07.29 07:36:59 -05'00'</small>	07/29/2013
<input type="checkbox"/>	<input type="checkbox"/>	Supervisor/Program Director	Samuel Berry	SAMUEL BERRY <small>Digitally signed by SAMUEL BERRY DN: c=US, o=U.S. Government, ou=Department of the Interior, ou=Indian Affairs (Assistant Secretary), cn=SAMUEL BERRY, o=9 2342 19200300 100 1, +1400 1001405788 Date: 2013.07.30 12:18:41 -05'00'</small>	07/30/2013
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Officer/COTR	Jenny Brooks	Jenny Brooks <small>Digitally signed by Jenny Brooks DN: cn=Jenny Brooks, o=BIA, ou=BIAT/OIG/Systems, email=jenny.brooks@bia.gov, c=US Date: 2013.07.29 07:36:31 -05'00'</small>	07/29/2013
<input type="checkbox"/>	<input type="checkbox"/>	Superintendent (if applicable)			
<input type="checkbox"/>	<input type="checkbox"/>	Contracting Officer			9/17/13
<input type="checkbox"/>	<input type="checkbox"/>	Senior Contract Specialist			

24. Synopsis of Proposed Contract Action (to be completed by the Contracting Officer)

FAR 6.303.2 (6) now requires a statement as to whether FEDBIZOPPS or the Government Point of Entry will be publicized as required by Subpart 5.2 and if not, which exception under FAR 5.202 applies. Choose one of the following statements:

- In accordance with FAR 5.2 Synopsis Requirements, the proposed contract [O] will, [O] will not be advertised in the FEDBIZOPPS.gov website.
- This Acquisition is over \$25,000 in total aggregate and has / will be advertised in the FEDBIZOPPS.gov website.
- This Acquisition is under \$25,000 in total aggregate and has not / will not be advertised in the FEDBIZOPPS.gov website.
- This Acquisition is 'sole-source' in nature; there are no other vendors to solicit competition; it will be advertised in FEDBIZOPPS as 'sole-source'.
- Only one vendor responded to an RFQ / RFP / IFB solicitation proposal.

Date Advertised in FEDBIZOPPS: Sept 17, 2013

25. Legal Review by the Office of the Solicitor (to be completed by the Contracting Officer)

- Not applicable