JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Procurement, Acquisition, and Logistics
Technology Acquisition Center
23 Christopher Way
Eatontown, NJ 07724

2. Description of Action: This action is a sole-source task order modification under the National Local Exchange Carrier (NLEC) Next Generation (NG) Multiple Award Task Order Contract (MATOC) with AT&T, contract 36C10B20D0029. The modification extends to Task Order (TO) 36C10B21N0004ATT, originally awarded on September 30, 2021, in the amount of [redacted]. The contemplated action will extend firm-fixed-price telecommunications services for a period not to exceed six months to support final transition activities from Task Order 36C10B21N0004ATT, issued under the NLEC-NG MATOC, to task orders issued under the Enterprise Infrastructure Solutions (EIS) contract.

3. Description of Supplies or Services: The proposed action provides for the continued delivery of voice and data telecommunications services under the NLEC-NG MATOC. Services include Plain Old Telephone Service (POTS) lines, Primary Rate Integrated (PRI) Services Digital Network (ISDN), Direct Inward Dialing/Direct Outward Dialing (DID/DOD), Metro Ethernet and Digital Subscriber Line (DSL), and other associated features currently supporting at VA operations.

These services support approximately 1,116 Service Delivery Points (SDPs) nationwide, including critical telecommunications infrastructure supporting clinical care, patient access, emergency communications, and facility administrative operations.

The continued services under this effort are necessary to maintain uninterrupted telecommunications capabilities. These services support VA operations during the transition from legacy services performed under Task Order 36C10B21N0004ATT, issued under the NLEC-NG MATOC, to task orders issued under the Enterprise Infrastructure Solutions (EIS) contract. The original Period of Performance for the transition of more than 1100 sites to EIS ePOTS was August 1, 2025 through July 31, 2026. Several delays have occurred which pushed the transition schedule requiring a modification to extend this contract. Some of the delays were related to the modernization efforts under the Electronic Health Records Management (EHRM) project which put this project on hold for almost two months due to limited staffing resources at numerous sites. There has also been schedule delays related to setting up site survey and installation due to issues with technician availability at some of the sites. The Government Shutdown in the first quarter of this fiscal year also impacted progress.

The total estimated value of this proposed action is [redacted]. The period of performance will be from June 1, 2026 to November 30, 2026.

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(1) as implemented by the Revolutionary Federal Acquisition Regulation Overhaul (RFO) VA Deviation 16.507-6(b)(2), entitled Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.

5. Rationale Supporting Use of Authority Cited Above: The Department of Veterans Affairs (VA), Office of Information and Technology (OI&T), Telecommunications Provisioning Office (TPO), is executing a time-critical, enterprise-wide transition of telecommunications services from Task Order 36C10B21N0004ATT, issued under the NLEC-NG MATOC, to task orders issued under the EIS contract.

VA must achieve approximately 85% completion of this transition by July 31, 2026. This requirement involves coordinated migration activities across approximately 1,116 Service Delivery Points (SDPs), each of which supports critical telecommunications capabilities, including clinical care delivery, patient access, emergency communications, and facility operations.

The remaining transition activities consist of interdependent and sequential technical actions, including DID porting, PRI trunk migrations, circuit reconfiguration, carrier coordination, and validation testing. These activities must be executed in a controlled sequence to prevent loss or degradation of service. Disruption of this sequence would delay scheduled cutovers and result in telecommunications outages affecting mission-critical VA operations.

Due to the limited time remaining in the transition schedule, providing fair opportunity to all contract holders would introduce delays that are incompatible with the required migration timeline. The time necessary to solicit, evaluate, and award a new task order, followed by onboarding and transition activities, exceeds the available period of performance and would prevent timely completion of the transition.

Award to a non-incumbent contractor is not practicable. A new contractor would require time to assume operational control of active circuits, reconstruct routing and numbering plans, validate service inventories, and establish carrier coordination. This would introduce an additional transition layer (NLEC → new contractor → EIS), significantly increasing technical risk and the likelihood of service disruption.

The incumbent contractor, AT&T, currently maintains operational control of all active telecommunications services, configurations, and inventories. As such, AT&T is the only contractor capable of continuing performance without interruption during the ongoing transition. This action is limited to the minimum duration and scope necessary to complete the transition to task orders issued under the EIS contract. It is not intended to avoid competition, but rather to ensure continuity of essential telecommunications services during the final phase of an enterprise transition to a competitive contract

vehicle.

6. Efforts to Obtain Competition: The original task order was competitively awarded among all NLEC-NG MATOC holders. For this action, the Government considered whether other contract holders could perform the requirement within the required timeframe. However, no other contractor possesses immediate operational control of active telecommunications services or the system-level access required to continue performance without disruption. Transitioning to another contractor would require onboarding, system validation, and re-establishment of carrier coordination, which cannot be accomplished within the required timeframe without introducing unacceptable delays. Accordingly, no additional sources could be reasonably considered for this action. This action does not transition performance to a new contractor but rather maintains continuity of services under the existing task order while services are migrated to task orders issued under the EIS contract.

7. Actions to Increase Competition: VA is executing a structured transition to task orders issued under the EIS contract, a fully competitive contract vehicle, which will restore competition for future telecommunications requirements at the task order level. Completion of this migration will eliminate reliance on legacy NLEC-NG task orders and restore full competition for future telecommunications requirements. Additionally, VA is improving acquisition planning and transition timelines to reduce the likelihood of future bridge actions.

8. Market Research: Market research was conducted in March 2026 by VA technical subject matter experts within the TPO. This included an assessment of NLEC-NG MATOC contract holders and their ability to assume performance of active telecommunications services during the transition period. The research evaluated each contractor’s ability to manage live telecommunications circuits, assume control of network configurations, and execute transition activities within the required timeframe. Based on this analysis, only the incumbent contractor was determined to possess the operational capability necessary to continue services without interruption. No alternative contractor could meet the requirement within the transition window without introducing unacceptable risk.

9. Other Facts: None

Technical and Requirements Certification

[redacted]

Fair and Reasonable Cost Determination

I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on prior competition at task order award and continuation of existing firm-fixed-price CLIN rates.

[redacted]

Procuring Contracting Officer Certification

I certify that this justification is accurate and complete to the best of my knowledge and belief.

[redacted]

Advocate for Competition Approval

In my role as procuring activity Advocate for Competition, based on the foregoing justification, I hereby approve the acquisition of NLEC-NG Services for continued voice & data telecommunication services on an other than full and open competition basis pursuant to the authority cited in Section 4 above, subject to availability of funds, and provided that the property and services herein described have otherwise been authorized for acquisition.

[redacted]