JUSTIFICATION AND APPROVAL
FOR OTHER THAN FULL AND OPEN COMPETITION

Completion Instructions: The Department of Health and Human Services (HHS) has established a standard template for the preparation of a J&A for Other Than Full and Open Competition. If this is an 8(a) set-aside, please note this form is not required unless the acquisition is valued (including all options) at greater than $22 million. This template is NOT applicable for actions using simplified acquisition procedures (FAR Part 13), Federal Supply Schedule orders (FAR 8.4) or task or delivery orders subject to fair opportunity (FAR 16.505).

Tailor all aspects of this template to the individual acquisition. Consult FAR Subpart 6.3 for guidance. An addendum may be added in case additional space is needed.

When this document is printed, the blue italic instructions are automatically deleted on the printed version.

Acquisition Title: IHS1522809 Broadcasting Services

Agency: IHS

Acquisition Year (FY): 2026

Author and Title: Ratonya Harris, Contract Specialist

2. Description of Action:

Nature:	✔ New Requirement	☐ Follow-on Requirement	
	☐ Modification to Existing Purchase Order/Contract Number:		
Pricing:	✔ Firm-Fixed Price	☐ Time & Materials	Cost $15,107.14
	☐ Other:		
Funds:	✔ OMA	☐ Other Funds:	

Name of Proposed Contractor(s): iHeartMedia - Gallup

Street Address: 1632 S. 2nd Street

City, State, Zip: Gallup, NM 87301

3. Description of Services or Supplies:

Basis for Approval (FAR 6.303-1(d)):	✔ Individual Basis	☐ Class Basis

The total estimated value of the proposed action, including all options is $ 15, 107.14

As applicable, briefly describe the services or supplies required to meet the agency's needs, including make & model number where appropriate. Include quantities of supplies or period of performance for services. Provide information for any options included. If the action is a modification to an existing contract, distinguish clearly between the work covered by the original contract and the work to be obtained by the proposed modification.

The requirement is for professional radio broadcasting services to ensure the timely and effective dissemination of essential public health messages to remote and rural communities within the Navajo Nation. Access to reliable internet and other digital platforms is inconsistent in this region, making radio a critical and trusted medium. These services are vital for increasing awareness of priority health conditions, preventive measures, and available health resources. This action will result in a firm-fixed-price contract.

4. Authority and Rationale: Identify the statutory authority, FAR title and FAR citation permitting other than full and open competition. It may be one of the following most commonly used citations by the operating divisions of the Department of Health and Human Services (HHS), but other exceptions may apply per FAR Subpart 6.3.

Actions other than simplified acquisition procedures (select only one and provide an explanation):

☑ *FAR 6.302-1:* Only one responsible source and no other supplies or services will satisfy agency requirements, 41 U.S.C. 3304(a)(1)

FAR 6.302-2: Unusual and compelling urgency, 41 U.S.C. 3304(a)(2)

The requirement is for professional radio broadcasting services to ensure the timely and effective dissemination of essential public health messages to remote and rural communities within the Navajo Nation. Access to reliable internet and other digital platforms is inconsistent in this region, making radio a critical and trusted medium. These services are vital for increasing awareness of priority health conditions, preventive measures, and available health resources. I-Heart Media-Gallup is the only media station that is able to provide radio broadcasting services to this area because of the location

The nature of the acquisition requires a unique approach due to the specific audience and location. Radio broadcasting is an essential and uniquely effective medium for reaching underserved populations across the Navajo Nation to provide life-saving health information and support the Government's mission to address health disparities. Market research indicated that no other responsible sources are available or interested in providing the required services for this specific procurement.

FAR 6.302-5: Authorized or Required by Statute, 41 U.S.C. 3304(a)(5)

☐ *Provide a citation to the statutory authorization and a brief description of its content, or identify the specified source or other agency.*

Other (See FAR Subpart 6.3 for additional authority)

Provide the authority and citation to the applicable section of FAR 6.3.

Radio broadcasting is an essential and uniquely effective medium for reaching under-served populations across the Navajo Nation to provide life-saving health information and support the Government's mission to address health disparities. The requirement is for professional radio broadcasting services to ensure the timely and effective dissemination of essential public health messages to remote and

Provide a full explanation to justify use of the exception.

☐

This requirement is being procured under the authority of FAR 6.302-1, "Only one responsible source and no other supplies or services will satisfy agency requirements." The Navajo Area Indian Health Service (NAIHS) has a critical, ongoing mission requirement to disseminate essential, life-saving public health and safety messages to remote and rural communities across the Navajo Nation. Due to inconsistent and unreliable internet access and limited digital infrastructure in these specific geographic areas, traditional radio broadcasting remains the most

☐

To ensure maximum competition and compliance with the Buy Indian Act, the agency conducted thorough market research. A Sources Sought Notice (SS-IHS1522809) was posted to SAM.gov to identify capable Indian Economic Enterprises (IEEs) or other responsible vendors. The notice closed with zero (0) responses. Because no other vendors expressed interest or demonstrated the technical capability to provide the necessary broadcast coverage for this highly specific geographic footprint, iHeartMedia Multi-Platform Group is determined to

Consequently, an approved Buy Indian Act Deviation (Control # IHS1522809) is on file, and proceeding with a sole-source award to iHeartMedia is necessary to satisfy the agency's critical communication requirements.

***5.* Agency Actions to Take or Remove Barriers That Led to Other Than Full and Open Competition (If applicable):**

Describe the actions, if any, the agency may take to remove or overcome any barriers that led to the restricted consideration prior to any subsequent acquisition for the supplies of services is made. If no such actions have been taken, explain why.

The agency will continue to conduct market research for any subsequent requirements for these services. Future Sources Sought notices will be posted to SAM.gov to survey the market and identify any new or interested vendors, particularly Indian Economic Enterprises (IEEs), that may be able to meet the Government’s needs.

6. Bridge Contracts:

For contract extensions or bridge contracts when a competitive follow-on is in the process of being developed, summarize history of current contract and explain the reasons for any delays in the acquisition. Include discussion of the milestones for the follow-on action; the milestones should be as efficient as possible. Discuss why it would be neither cost effective nor realistic to expect another contractor to perform during the brief interim period; include issues such as start-up costs, phase-in, transfer of GFP, recruitment and staffing, etc. If the action is because of a protest, provide a brief discussion of the protest including the date the protest was filed and the basis of the protest. Explain that the action will provide the minimum quantity or performance period.

N/A

7. Actions to Increase Competition:

Describe efforts made to compete the action, including whether a notice was or will be publicized as required by FAR Subpart 5.2 or which exception under FAR 5.202 applies. If a notice was publicized, discuss the number of written responses to the synopsis and the results of the assessment of the written responses. List sources, if any, that expressed, in writing, an interest in the acquisition. Provide rationale if interested sources were rejected. If applicable, state that no other sources have expressed interest, but all offers received shall be considered. Describe what actions will be taken to increase competition before subsequent acquisition of the supplies or services is required. You may state that an action is a one-time requirement, but if a similar requirement arises, every effort will be made to compete it to the maximum extent possible. If action is sole source because of proprietary data or licensing rights and there will be a continuing need for the requirement, there must be evidence that advanced planning has been initiated to overcome the barriers to competition, or there should be documentation to support an analysis that replacement costs/licensing purchase costs outweigh the benefits of competition. If the action is a contract extension or bridge, explain actions to compete the follow-on. If action is an urgent new requirement and a competitive follow-on is anticipated, explain that efforts are underway to facilitate a full and open competition.

A Sources Sought Notice (SS-IHS1522809) was posted to SAM.gov to identify capable Indian Economic Enterprises (IEEs) or other responsible vendors. The notice closed with zero (0) responses.

8. Market Research:

Describe the extent of the market research conducted to identify all qualified sources and the results thereof. "Market Research" is defined as those attempts you made to ascertain whether other qualified sources exist, and can include contact with knowledgeable experts regarding similar or duplicate requirements, contact with industry, results of a sources sought synopsis, or draft solicitations. Research of the marketplace may consist of written, electronic (i.e. email) telephonic, or world wide web inquiries. Lack of advanced planning is not an acceptable reason for the lack of market research, but true urgency may necessitate abbreviated market research that is limited to readily available historical and commercial information. If action is a contract extension or bridge contract, describe the market research efforts underway or completed for the follow-on. See FAR 10.002(b)(2).

Market research was conducted to determine the availability of Indian Economic Enterprises (IEEs) capable of meeting this requirement, in accordance with the Buy Indian Act. A Sources Sought Notice (SS-IHS1522809) was posted to SAM.gov on June 24, 2026, with a response date of June 30, 2026. As of the closing date, zero (0) responses were received from qualified IEEs or other vendors. This lack of response indicates that no other responsible sources are available or interested. A deviation from the Buy Indian Act has been approved (Control # IHS1522809).

9. Procurement History:

Purchase order or contract number: N/A -New Requirement

Was action competed?	☐ Yes	☑ No

If action was not competed, state the cited authority, summarize rationale, and describe the actions that were supposed to be taken to increase competition and the results thereof:

This is a new requirement. Per the authority cited in section 4, only one responsible source was identified after market research yielded no interested vendors.

10.Additional Information to support the justification:
If applicable, explain why technical packages or specifications to facilitate competition were not developed or available; describe actions taken to remedy the situation.

N/A

11. Technical / Requirements Certification: ***By my signature below,*** I certify that the supporting data included in this J&A is accurate and complete.

Program Manager	
Name:	
Position Title:	
Email address:	
Phone:	
Program Manager Supervisor (or one level above Program Manager)	
Name:	
Position Title:	
Email address:	
Signature:	
Date:	

12. Fair and Reasonable Price/Cost Determination: As Contracting Officer, by my signature below, I hereby determine that the anticipated price/cost to the Government for this contract action will be fair and reasonable.
Provide the basis for this determination, e.g., describe techniques to be used to determine fair and reasonable price (FAR Subpart 15.402), such as price analysis, cost analysis, cost realism. Per FAR Subpart 15.403-4(a)(1), the threshold for obtaining cost or pricing data is $750,000.

A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable. A price quote was received from the identified source, iHeartMedia, and reviewed by the program office. A price analysis determined that the anticipated cost is fair and reasonable based on comparison to historical pricing for similar services and the independent government estimate.

Name:	Daniel Weingarten	Phone:	
Signature:	DANIEL R. WEINGARTEN -S Digitally signed by DANIEL R. WEINGARTEN -S Date: 2026.07.02 10:15:07 -04'00'	Date:	7/2/26

13. Contracting Officer's Approval (Required for proposed contract not to exceed $700,000 (value calculated including all options)): I hereby certify that this justification is accurate and complete to the best of my knowledge. I approve this justification subject to availability of funds, and provided that the services and supplies herein described have otherwise been authorized for acquisition.

Name:	Daniel Weingarten	Phone:	
Signature:	DANIEL R. WEINGARTEN -S Digitally signed by DANIEL R. WEINGARTEN -S Date: 2026.07.02 10:15:29 -04'00'	Date:	7/2/26

14. Legal Review:

All J&As greater than $68 million must have a legal review from the General Law Division of the Office of the General Counsel prior to sending it to the Department.

15. OPDIV Competition Advocate Approval (Required for proposed contract over $700,000 but not exceeding $13.5 million (value calculated including all options)):

I have reviewed this justification and find that it adequately supports other than full and open competition.

Name:		Phone:	
Signature:		Date:	

All J&As greater than $68 million must have a review from the Office of Small & Disadvantaged Business Utilization (OSDBU) prior to sending it to the Department. The OSDBU at their discretion may review any J&A.

16. Office of Small and Disadvantaged Business Utilization Review: (Required for contracts exceeding $68 million (value calculated including all options)):

Concur:	☐	Non-Concur:	☐
Name:		Phone:	
Signature:		Date:	

17. OPDIV HCA Approval (Required for proposed contract over $13.5 million but not exceeding $68 million (value calculated including all options)):

Name:		Phone:	
Signature:		Date:	

18. Department Competition Advocate (Required for contracts exceeding $68 million (value calculated including all options)):

Concur:	☐	Non-Concur:	☐
Name:		Phone:	
Signature:		Date:	

(The below approval paragraph is required if the cumulative contract value, including all options, exceeds $68 million.)

19. HHS Senior Procurement Executive (SPE) Approval:

Based on the foregoing justification, I hereby approve other than full and open competition for the above stated procurement, subject to the availability of funds, and provided that the services herein described have otherwise been authorized for acquisition.

State supplies/services being procured:

State the full statutory authority and FAR cite and title, consistent with paragraph 4, e.g. 41 U.S.C. 3304:

Name:		Phone:	
Signature:		Date:	