United States Department of the Interior

INTERIOR BUSINESS CENTER
Washington, DC 20240

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY
AUTHORITY: Federal Acquisition Regulation (FAR) 16.505(b)(2)

SOLICITATION 140D0426Q0064

1. **Identification of the agency and the contracting activity, and specific identification of the document as a "Justification for an Exception to Fair Opportunity."**

This document is a Justification for an Exception to Fair Opportunity for the Department of the Interior (DOI), Interior Business Center, Acquisition Services Directorate (AQD), Division 5, on behalf of Privacy and Civil Liberties Oversight Board (PCLOB).

2. Nature and/or description of the action being approved.

These are follow-on services on behalf of PCLOB. This task order will be for firm-fixed price severable services against the General Services Administration's (GSA) Enterprise Infrastructure Solutions (EIS) Indefinite Delivery Indefinite Quantity (IDIQ). The sole source for this requirement will be AT&T.

3. A description of the supplies or services required to meet the agency's needs (including the estimated value).

This requirement provides EIS for telecom services at the PCLOB headquarters located at 800 North Capitol St. in Washington, DC and at their Data Center located in Reston, VA. These telecom services include the following areas:

- Access Arrangements
- Audio Conferencing Service
- Cable and Wiring
- Circuit Switched Voice Service
- Ethernet Transport Service
- Internet Protocol Service
- Internet Protocol Voice Service
- Managed Trusted Internet Protocol Service
- Virtual Private Network Service
- Mobile Wireless Service
- Service-Related Equipment

The Government anticipates a performance period beginning July 4, 2026, for five years which includes one 12-month base year with four 12-month option periods. The estimated total value for this contract is [redacted] exclusive of FAR 52.217-8, $[redacted] inclusive of FAR 52.217-8.

4. **Identification of the exception to fair opportunity (see FAR 16.505(b)(2)) and the supporting rationale, including a demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the exception cited. If the contracting officer uses the logical follow-on exception, the rationale shall describe why the relationship between the initial order and the follow-on is logical (e.g., in terms of scope, period of performance, or value).**

FAR 16.505(b)(2)(i)(B) – 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.

PCLOB requires continued network services from AT&T. The agency's network at 800 North Capitol St. NW operates on a complex Type II off-net configuration built on proprietary cabling, conduit access, and specialized infrastructure originally installed and engineered by AT&T. This system is tightly integrated with AT&T's architecture and cannot be reused or adapted by another service provider without extensive reconstruction.

The telecommunications closet and conduit pathways in the building are fully saturated with legacy agency and tenant cabling. Installing a new vendor's infrastructure would require core drilling, structural changes, and construction approvals. A parallel, side-by-side installation—necessary to maintain uninterrupted MTIPS connectivity during a 60–90 day cutover—is not feasible because the server room does not have sufficient rack space or power to support redundant MTIPS hardware. Without the ability to run parallel systems, any attempted transition introduces a high risk of service interruption. Loss of MTIPS would sever PCLOB's primary secure network connection and halt mission-critical operations.

Transitioning to a different provider would also require installation of new fiber-optic laterals from the street into the building vault and new riser cabling from the demarcation C to the suite. This constitutes a full rip-and-replace effort estimated to cost at least $[redacted], in addition to potential delays and disruptions affecting other tenants who share the same congested conduits. These costs are non-recoverable and significantly exceed the cost of continued performance by the current contractor.

For these reasons—technical dependency on AT&T's proprietary infrastructure, severe physical limitations of the building, unacceptable mission risk from potential downtime, and substantial duplication of cost—only AT&T can meet the agency's requirements.

5. A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.

The Contracting Officer has determined that the anticipated cost to the Government will be fair and reasonable. This determination will be supported by the use of EIS contract pricing, which was established through full and open competition and incorporates standardized pricing and rate structures that have been evaluated and deemed fair and reasonable by GSA.

Additionally, the proposed pricing will be assessed against the incumbent task order pricing for the same or similar services and is expected to align with historical costs and the current scope of work.

Based on the competitive foundation of the EIS IDIQ, the consistency with prior pricing, and the efficiencies gained through continued performance, the Contracting Officer will expect that the anticipated cost to the Government will be fair and reasonable in accordance with FAR 16.505(b)(2)(ii)(B)(5) for the base and all option years, inclusive of FAR 52.217-8.

6. **Any other facts supporting the justification.**

The prior award for these telecommunications services was issued under fair opportunity procedures. Circumstances have materially changed. The current requirement is inseparably tied to the existing AT&T network infrastructure already deployed PCLOB sites. This infrastructure includes proprietary AT&T network architecture, routing configurations, and service integrations that cannot be supported, accessed, or maintained by another vendor without significant operational disruption, security risk, and additional cost to the Government.

The solicitation will be sent directly to AT&T via email. Per FAR 16.505(b)(2)(ii)(D)(1) the Government will post the justification on SAM.gov

7. **A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the exception to fair opportunity before any subsequent acquisition for the supplies or services is made.**

It is not currently anticipated that the Government will be able to remove or overcome any barriers to competition because the network infrastructure for the locations were originally installed and configured by AT&T, utilizing proprietary networking wiring. It would be a costly replacement for PCLOB to undertake and would likely not provide any benefit to invest to overhaul the network systems. Technical continuity and system compatibility are tantamount to the customer. The purchasing and requesting office will continue to make efforts to continue to examine the market in the event that the infrastructure upgrades are in the best interest of the Government.

8. **The Contracting Officer's certification that the justification is accurate and complete to the best of the Contracting Officer's knowledge and belief.**

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

[redacted]

[redacted] Contracting Officer Date

9. **Evidence that any supporting data that is the responsibility of technical or requirements personnel (e.g., verifying the Government's minimum needs or requirements or other rationale for an exception to fair opportunity) and which form a basis for the justification have been certified as complete and accurate by the technical or requirements personnel.**

I certify that the technical data which forms a basis for this justification is complete and accurate and meets the Government's minimum needs.

[redacted]

[redacted] Program Office Date

10. **A written determination by the approving official that one of the circumstances in FAR 16.505(b)(2)(i)(A) through (E) applies to the order.**

FAR 16.505(b)(2)(i)(B) – 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.

Reviews and Approvals:

Concur

[redacted] Contracting Officer, Division 5, Branch 2 (Date)

Concur

[redacted] **Branch Chief, Division 5, Branch 2 (Date)**

Concur

[redacted] **Division Chief, Division 5 (Date)**

Approve

[redacted] **ureau Competition Advocate (Date)**