



DEPARTMENT OF THE NAVY  
NAVSUP FLEET LOGISTICS CENTER PEARL HARBOR  
1942 GAFFNEY STREET, SUITE 100  
JBPHH, HI 96860-4549

IN REPLY REFER TO

Ser 4200/203.JJT  
22 Apr 2012  
J&A: FY12/001

JUSTIFICATION AND APPROVAL  
FOR USE OF OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity.

**Contracting Office:**

NAVSUP Fleet Logistics Center Pearl Harbor (FLCPH)  
Regional Contracting Department  
1942 Gaffney Street, Suite 100  
Pearl Harbor, HI 96860-4549

**Requiring Activities:**

Commander, Navy Region Hawaii (CNRH)  
Joint Base Pearl Harbor-Hickam (JBPHH)  
Joint POW/MIA Accounting Command (JPAC)  
Command Pacific Fleet (COMPACFLT)  
NAVSUP Fleet Logistics Center Pearl Harbor (FLCPH)  
Naval Submarine Support Command (NSSC)  
Special Operations Command Pacific (SOCPAC)  
Naval Criminal Investigative Service (NCIS)  
Joint Intelligence Center Pacific (JIOC)  
Seal Delivery Vehicle Team 1 (SDVT-1)  
1<sup>ST</sup> Naval Construction  
Joint Interagency Task Force West (JIATFW)  
Navy Medical Clinic  
Navy Medical Research  
Any other approved Navy, Air Force, and Joint Base Commands

2. Description of the Action Being Approved.

This is a justification and approval document for other than full and open competition of cable and high speed non-network internet support services for JBPHH and other approved Commands receiving services through FLCPH. An Indefinite-Delivery Requirements contract with Time Warner Entertainment Company Cable, L.P, doing business as Time Warner Cable, is anticipated at an estimated cost of \$3.3 million for the contract period of one (1) base year, four (4) one-year option periods, and a 6-month option extension if exercised per FAR 52.217-8.

3. Description of Supplies/Services.

The requirement is on-site cable and high speed non-network internet support services for existing and established locations/sites in the Command areas located on the island of Oahu, Hawaii. Services include continuous and uninterrupted cable service, twenty-four (24) hours a day, seven (7) days a week, for basic cable TV signal and varying levels of internet service ranging from basic to enterprise level. The Government reserves the right to include additional performance locations for service after contract start-up.

The total estimated cost for all services is \$3.3 million for the period of 1 June 2012 to 31 May 2017, a base year plus four (4) option years and a possible 6-month extension option. FY12 Operations and Maintenance funding will be provided from each activity to place a task order for base year services.

4. Statutory Authority Permitting Other Than Full and Open Competition.

The Statutory authority which permits other than full and open competition is 10 U.S.C. 2304 (c) (1), as implemented by FAR 6.302-1, sole source for services available from one source only and no other type of supplies or services will satisfy agency requirements.

5. Rationale Justifying Use of Cited Statutory Authority.

In accordance with FAR 6.302-1, the required services are peculiar to one cable service provider. Only one responsible source, Time Warner Cable, can provide both cable television and high speed internet access with hard-wired cable connections on the island of Oahu, Hawaii. Time Warner Cable is the only source capable of providing a complete cable television and high speed internet access package to all required customer locations. In addition, there currently exists extensive proprietary cable and internet infrastructure equipment installed at each activity with active Time Warner cable and internet access.

Current cable and internet services expire on 31 May 2012, so new service must start on 01 June 2012 through the issuance of task orders from the IDIQ. Therefore, awarding to any another company would cause an unacceptably long interruption in service due to the lengthy timelines and capital needed to obtain the required Government and State infrastructure and building permit approvals, and set up new cable infrastructure base-wide.

It is mission essential to the Government to receive on-going cable and internet connectivity service to satisfy the operational needs of the Government civilian and military workforce. Interruptions to the current number of customers who use cable and internet services would negatively impact day to day base operations and would prove to be extremely costly in worker productivity.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable.

The Contract Specialist contacted the Department of Commerce and Consumer Affairs (DCCA) to determine the availability of network underground cable service and internet providers on Oahu. There are only two (2) licensed underground service providers – Time Warner and Hawaiian Telcom – according to the Hawaii State DCCA.

Hawaiian Telcom is unable to provide wired line network cable services to non-residential customers at the time of this procurement. Prior to the next procurement of cable services in FY2017, Hawaiian Telcom will be contacted during the market research phase to determine the company's ability to provide the required services. If the company provides non-residential cable and internet services at that time, then it is noted and the company is aware that they would need to install the appropriate infrastructure and would also need to negotiate a Franchise Agreement with the Navy in order to begin the infrastructure work.

An above-ground service provider was contacted – Dish Network. It was learned that they require installation of a different technical infrastructure to include external “dishes” and cable. Joint Base Pearl Harbor-Hickam is designated a National Historic Landmark by the Federal and Hawaii State Government. This designation does not allow for changes in the outer appearance of historic properties, therefore, Dish network installation on JBPHH is not possible.

7. Determination of Fair and Reasonable Cost.

The Contracting Officer has determined the anticipated cost to the Government of the supplies/services covered by this J&A will be fair and reasonable based upon publically published rates and historical Government discounts for bulk accounts. Additionally, the Public Utilities Commission provides significant consumer oversight to the public as it monitors price increases proposed by Time Warner Cable.

8. Actions to Remove Barriers to Future Competition.

If another cable service company that could offer underground cabling emerges, NAVSUP Fleet Logistics Center Pearl Harbor Regional Contracting Department will assess whether competition for future requirements is feasible.

During the next procurement of cable and internet services in FY2017, market research will be conducted to determine if there are any additional cable service providers in Hawaii that could meet the Navy customer

requirements. In addition, Hawaiian Telcom will be contacted again to determine if they are capable and willing to provide cable services and internet to non-residential customers island-wide.

9. CONTRACTING POINT OF CONTACT

The NAVSUP Fleet Logistics Center Pearl Harbor Regional Contracting Department point of contact is Elaine Carmody, Contracting Officer, 808.473.7531, [elaine.carmody@navy.mil](mailto:elaine.carmody@navy.mil).