

JUSTIFICATION AND APPROVAL  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
260 Industrial Way West  
Eatontown, New Jersey 07724
  
2. Description of Action: The proposed action is for a firm-fixed-price (FFP) Delivery Order (DO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC) to upgrade the existing private branch exchange (PBX) Avaya brand name CS-1000 telecommunications systems from brand name Avaya release 7.0 to release 7.6 software and hardware. The upgrade will also include installation, technical support and software assurance for PBX Avaya brand name CS-1000 telecommunications systems. The period of performance for this action is 12 months for software assurance and technical support, inclusive of software and hardware delivery 30 days after task order award and setup and installation 60 days after receipt of the hardware.
  
3. Description of Supplies and Services: The proposed action is for brand name Avaya release 7.6 software and hardware upgrades, installation, technical support and software assurance for PBX Avaya brand name CS-1000 telecommunications systems. Specifically, these PBX Avaya brand name CS-1000 telecommunications systems that require the aforementioned upgrades are located at 11 Veterans Affairs Medical Centers (VAMCs) and one Community Based Outpatient Clinic (CBOC) as part of the Midwest Health Care Network, also known as Veterans Integrated Service Network (VISN) 23. VISN 23 is currently made up over 50 locations currently using only Avaya brand name CS-1000 telecommunications systems. The locations chosen were based on critical need. The locations chosen service the greatest number of Veterans within VISN 23. The 11 VAMCs and the one CBOC have experienced a surge in the volume of patients. In addition, the continued demand placed on the infrastructure with the growth of key programs, such as Telehealth, has increased the burden on the existing infrastructure. The existing infrastructure cannot support the increased demands without the required upgrades. The aforementioned upgrades would enable these 12 locations to be equipped to handle the increased patient load and increased demands and prevent the network infrastructure from failing and continue to remain operational. The Avaya release 7.6 software and hardware upgrades will provide improved integration into the existing communications platform, add enhancements to improve overall quality through the delivery of approximately 1,700 software fixes, provide a new upgrade application tool, a new System Health Check capability to provide diagnostics for in service systems and enhanced system troubleshooting/recovery capabilities for existing system functionalities. This upgrade is needed to ensure the existing infrastructure remains up to date and operational. The Contractor shall provide

manufacturer's technical support via Avaya's Express Technology Support for the aforementioned CS-1000 telecommunications systems. This will include access to Avaya Level 1/2/3 support for remote technical assistance for issues associated with the operation and maintenance of Avaya solutions. The 12-month software assurance will allow for remedying hardware and software defects as well as enhancing and optimizing software; it includes all new fixes, patches, corrections, releases, updates, versions, and upgrades to the software. This will ensure the hardware and software remain operational. The total estimated price of the proposed action is [REDACTED]

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(B), 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: Based on market research, as described in paragraph eight of this document, it was determined that limited competition is viable among authorized resellers for brand name, Avaya software and hardware upgrades, installation, technical support and software assurance. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. Avaya is the only brand name item which will allow for upgrading the existing Avaya telecommunications infrastructure at the 12 identified locations to the latest versions. The existing infrastructure cannot support the increased demands without the required upgrades. The aforementioned upgrades would enable these 12 locations to be equipped to handle the increased patient load and increased demands and prevent the network infrastructure from failing and continue to remain operational. Additionally, the upgrades will allow VISN 23 to continue to build and expand the existing Avaya-based telecommunications infrastructure and allow the remaining locations not being upgraded within VISN 23 to be interoperable with the upgraded locations. Furthermore, the Original Equipment Manufacturer (OEM) support for the Avaya CS-1000 PBX systems at 11 VAMCs and 1 CBOC expired on April 30, 2012, leaving VISN 23 with no direct manufacturer support on any of their systems. A prolonged failure of one of these critical systems due to lack of manufacturer support would directly affect patient care. The telecommunications systems currently implemented within VISN 23 are manufactured by Avaya and utilize the proprietary Avaya Time Division Multiplex (TDM) telephone data path(s) and Internet Protocol (IP), and Session Initiation Protocol (SIP) over the Voice Network, which allows for continued enterprising of the system to seamlessly function across VISN 23. The VISN 23 telecommunication system integrates with the Avaya SIP network to allow callers access to Voice Menu Options in directing calls to the requested Automatic Call Distributor (ACD) Call Center(s), Internet Protocol (IP) SIP trunks, and Call Pilot Auto-Attendants which allows callers to seamlessly transfer from site to site. All ACD data is monitored by a facility sponsored Contact Center Manager Server (CCMS) and Contact Center Manager Administration (CCMA) which allows for call statistics, advanced routing abilities, and data used for

staffing purposes. Any other brand name will not be able to integrate with the currently fielded Avaya brand name telecommunication systems and infrastructures. Specifically, VISN 23's current telecommunications system communicates through a source code that is based on Avaya's proprietary data. No other PBX telecommunications system can provide seamless and full communication capability without the Avaya proprietary source code. The absence of this proprietary source code would result in device inoperability. Without device interoperability, the devices would not perform their intended functions, which would cause voice network delays and issues, leading to work stoppages and an erosion of patient care, jeopardizing VA's overall mission to serve Veterans. In order to maintain compatibility and reliability, the telecommunications hardware/services must be fully compatible with the existing infrastructure. The Avaya brand name telecommunication systems items/services are the only products that ensure full interoperability and compatibility with VISN 23's current telecommunication infrastructure and thus are the only commercial products available to meet the Government's requirement. Telecommunication voice and data services are considered mission critical to VAMCs and CBOCs. In the event the Avaya PBX telecommunications systems were to become inoperable, it would pose a significant risk to a VAMC/CBOC rendering them unable to communicate and fully perform their business and mission.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. This effort did not yield any additional sources that can meet the Government's requirements. It was determined; however, that limited competition is viable among authorized resellers for this brand name item. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized at award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.
7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would enable future actions to be fully competed. The brand name, Avaya upgrades at the 12 locations is for sustainment in order to keep the PBX systems at the 12 locations operating normally and to have direct manufacturer support from Avaya. The locations were chosen based on the most critical need of VISN 23 with only the largest systems that support the most patients receiving the upgrades.
8. Market Research: Market research was conducted in second quarter of 2013 by researching other items and services similar to the aforementioned Avaya brand name items and services. NEC and Siemens were the only other brand names with similar capabilities. However, neither could satisfy VA requirements to integrate in the existing Avaya telecommunications infrastructure. NEC and Siemens brand name telecommunications items and services are not able to integrate with the currently fielded Avaya brand name telecommunication systems and infrastructure. Specifically, the infrastructure of VISN 23's current telecommunication systems communicates through a source code that is based on Avaya's proprietary data. No other PBX can provide seamless and full communication capability without the

Avaya proprietary source code. The absence of this proprietary source code would result in device inoperability. Without device interoperability, the devices would not perform their intended functions, which would cause voice network delays and issues, leading to work stoppages and an erosion of patient care jeopardizing VA's overall mission to serve Veterans. Additional market research was conducted in second quarter of 2013 to migrate to another brand name in lieu of Avaya. Migration requires replacing the entire telecommunications infrastructure – replacing only portions is not an option due to lack of interoperability between VISN 23 locations. The estimated cost of replacing the infrastructure in the aforementioned 12 locations is \$38 million. In addition to the cost, the telecommunications would not be operational for several months to migrate to a new system, having a negative impact on patient care. Based on the market research, the technical experts concluded that Avaya telecommunications hardware/services are the only commercially available hardware/services compatible with VISN 23's existing telecommunication infrastructures. In addition, market research efforts were conducted during the third quarter of Fiscal Year 2013 utilizing the Product Verification Tool via NASA SEWP IV GWAC, to ascertain the extent of limited competition amongst Avaya resellers. Based on these efforts it was determined that there are various authorized resellers and limited competition is anticipated.

9. Other facts: None