

Justification for an Exception to Fair Opportunity

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
1701 Directors Boulevard, Suite 600
Austin, TX 78744
2. Description of Action: The proposed action is for a firm-fixed-price task order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Governmentwide Acquisition Contract (GWAC) for Cisco brand name Video-Teleconferencing (VTC) endpoints service and support for the VA Office of Information and Technology – Service, Delivery, and Engineering. The proposed action is for a 12-month period of performance. The total estimated value is [REDACTED]. This procurement uses Information Technology (IT) funds.
3. Description of the Supplies or Services: VA requires Cisco VTC endpoints service and support for the VTC equipment used by the Veterans Affairs Central Office and Veterans Benefits Administration. Endpoints are appliances consisting of hardware with embedded software that allow VA senior leadership to communicate with the leaderships of medical centers and regional offices, and allow various Veteran Integrated Service Networks (VISNs) to communicate via VTC. According to Cisco, the original equipment manufacturer, VA should maintain the hardware at the same firmware levels in order to maintain the security, redundancy, and operations of the enterprise VTC network in the event of a failure. Cisco VTC endpoints service and support allow for enhancing and optimizing software, as well as remedying hardware and software defects and failures; it includes all new fixes, patches, corrections, releases, updates, versions and upgrades to the software. Support includes 24x7x365 assistance for the software and hardware via telephone, e-mail, website, or otherwise. This will ensure the appliances remain operational.
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(B), titled "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: This is a brand name justification in support of FAR 11.105, Items Peculiar to One manufacturer. The proposed sources for Cisco VTC endpoints service and support are Cisco and Cisco authorized resellers. The VTC endpoints communicate through a source code that is based on Cisco's proprietary data, and only Cisco and Cisco authorized resellers possess the proprietary data necessary to provide the required service and support. No other brand name VTC endpoints service and support is interoperable or compatible with the current fielded Cisco VTC endpoints. Due to the proprietary nature of the source code, Cisco and Cisco resellers are the only entities authorized to provide Cisco VTC endpoints service and support. Without continued service and

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support, the VTC endpoints may not efficiently perform their intended functions, which would result in VA senior leadership not being able to communicate via VTC with the medical centers and regional offices, and various VISNs no longer being able to communicate with each other, resulting in lost productivity and additional travel costs to serve Veterans.

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. However, it was determined that limited competition is available among authorized resellers for the brand name Cisco VTC endpoints service and support. The solicitation covering this procurement will not be synopsisized in the Federal Business Opportunities Page pursuant to FAR 5.202(6).
7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed.
8. Market Research: VA technical experts conducted market research in March 2014, by conducting extensive internet searches and reading white papers and service technical specifications of the vendor's Website, to determine if other brands could provide the Cisco VTC endpoints service and support. VA looked at Polycom; however, it was not capable of providing services and support for Cisco VTC endpoints. In addition, VA technical experts regularly review industry trade publications and conduct internet research to ascertain if any other maintenance solution is available. Based on the research, including extensive reviews of technical bulletins and research of third party software and maintenance services, such as KBZ, the VA's technical experts determined no other VTC endpoints service and support vendor can meet VA's needs. Finally, VA researched the extent of limited competition in May 2014, by researching the NASA SEWP IV GWAC manufacturing look-up tool and located four Cisco resellers capable of providing all required service and support, including one service-disabled Veteran-owned small business, two small businesses, and one woman-owned small business.
9. Other Facts: None