

## JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
23 Christopher Way  
Eatontown, New Jersey 07724
2. Description of Action: The proposed action is for a firm-fixed price (FFP) delivery order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government-Wide Acquisition Contract (GWAC) to upgrade VA currently fielded Avaya CallPilot Systems to the Avaya Aura Messaging Systems. The Avaya Aura Messaging System shall be delivered within 30 days of award with installation, migration and cutover to all VA sites being completed within 120 days of award. After installation, a 30 day acceptance test period will commence. The period of performance for the Avaya Support Advantage software support portion of the delivery order will commence after installation is complete at each location and run through the remainder of the base period of performance. Additionally, this effort will also include two 12-month option periods for continuation of the Avaya Support Advantage software support agreement.
3. Description of the Supplies or Services: The proposed action is to upgrade the existing Avaya CallPilot System to the Avaya Aura Messaging System to provide a VISN-wide voice messaging solution for eight VA Medical Centers (VAMCs) located in Office of Information and Technology Region 2, Veterans Integration Service Network (VISN) 23. The eight VAMC locations are Central Iowa Department of Veterans Affairs Healthcare Systems (VAHCS), Iowa City VAHCS, Nebraska-Western Iowa VAHCS (Omaha, Grand Island and Lincoln, Nebraska), Minneapolis VAHCS (Minneapolis and Twin Ports, Minnesota) and Black Hills VAHCS. The upgraded Avaya Aura Messaging System includes Avaya Aura Messaging servers and mailbox licenses, additional CS1000 Session Initiation Protocol (SIP) ports to accommodate local SIP connectors to the Avaya Aura Messaging System, Session Manager servers, cards for Digital Signal Processor (DSP) resources, Meridian Integrated Recorded Announcer (MIRAN) cards to accommodate recorded prompts/greetings, technical support and installation services to include any programming required to migrate from the current Avaya CallPilot to the Avaya Aura Messaging System. The Avaya CallPilot system currently installed within VISN 23 VA Medical Centers is outdated and can no longer meet VA's requirements and ensure the aforementioned medical centers can remain operational with the necessary calling systems. [REDACTED]
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), 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 8 of this document, it was determined that limited competition is

available among authorized resellers for the required brand name Avaya products and services. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The Avaya Aura Messaging System is an Avaya brand that includes hardware, software, phones, and all ancillary equipment to allow communications directly with the network. In order to maintain interoperability, compatibility and reliability, the software, hardware, license keys, and operating systems certificates that comprise the Avaya Aura Messaging System must be fully compatible with the existing Avaya infrastructure. No other brand name system, other than the Avaya Aura Messaging System, would be able to communicate within the existing Avaya infrastructure that is utilized at the eight aforementioned VAMCs located in Region 2, VISN 23 due to proprietary constraints. VA is not upgrading the entire infrastructure at this time. The current infrastructure consists of only Avaya brand name items. To replace the existing infrastructure will require a tremendous amount of re-engineering to incorporate the new hardware and software, operating system programming to reconfigure voice parameters, moving current voice prompts to the new voice system and training to support the newer technology. To try and replace with a non-Avaya system increases the risk of unacceptable schedule delays, service interruptions, and cost duplication because of additional equipment and required training of field personnel that would not be recovered through competition.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Limited competition is anticipated for the required brand name Avaya products and services. In accordance with FAR 5.301 and 16.505(b)(2), the contract award will be synopsisized with the Justification for an Exception to Fair Opportunity on the Federal Business Opportunities (FedBizOps) Page within 14 days after award. In addition, this Justification for an Exception to Fair Opportunity will also be made publicly available on the FedBizOps Page and posted on the NASA SEWP IV website with the solicitation in accordance with FAR 16.505(a)(4)(iii)(A).

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the Government will continue to perform market research to determine if there are any products available that will enable future requirements to be competed.

8. Market Research: The Government's technical experts conducted market research in July 2014 to ascertain the ability of any other system, other than Avaya, to meet VA's needs. Specifically, the Government's technical experts reviewed similar systems from Panasonic and NEC Corporation of America. The technical experts reviewed these products' code structure and determined that these systems only operate on their respective proprietary code. No other brand name item other than Avaya was found to meet VA's requirements as outlined in paragraph 5 of this document. Based on this market research, it was determined that the Avaya Aura Messaging System is the only brand name item that can meet all of VA's requirements. Additional market research was completed by the Contract Specialist in June 2014 utilizing the NASA SEWP Manufacture Lookup Tool and identified 35 authorized resellers of Avaya products and services that are current contract holders. Limited competition is expected on the NASA SEWP IV GWAC for this proposed action.

9. Other Facts: None.

10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

Wilbert Jude Keller

Date: July, 23, 2014

IT Specialist

Signature: wilbert.keller@va.gov Digitally signed by wilbert.keller@va.gov  
DN: cn=wilbert.keller@va.gov, o=VA, ou=VA, email=wilbert.keller@va.gov

11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on based on Contracts awarded on NASA SEWP IV GWAC have already been determined to be fair and reasonable. As there are potential resellers on NASA SEWP IV GWAC, price competition is anticipated. Finally, the successful quote will be compared to the Independent Government Cost Estimate.

Carolyn A. Klein

Date: July 23, 2014

Procuring Contracting Officer

Signature: Carolyn A. Klein

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

Carolyn A. Klein

Date: July 23, 2014

Procuring Contracting Officer

Signature: Carolyn A. Klein

13. Legal Sufficiency Certification: I have reviewed this justification and find it adequate to support an exception to fair opportunity and deem it legally sufficient.

George B. Tereschuk

Date: 7/23/2014

Legal Counsel

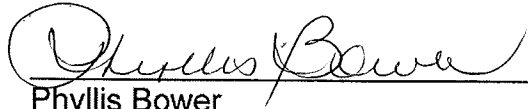
Signature: George B. Tereschuk

## Approval

In my role as Contracting Activity Competition Advocate, based on the foregoing justification, I hereby approve the acquisition of Avaya Aura Messaging Systems and Avaya Support Advantage software support consisting of a period of performance of one base year and two 12-month option periods, on an exception to fair opportunity basis pursuant to the statutory authority cited in paragraph 4 herein, subject to availability of funds, and provided that the products and services herein described have otherwise been authorized for acquisition.

Date: 8/4/14

Signature:

  
Phyllis Bower  
Head of Contracting Activity