

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: This proposed action is for a brand name firm-fixed-price delivery order (DO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC).
  
3. Description of Supplies or Services: The Office of Information and Technology, Enterprise Systems Engineering has a requirement for additional brand name Vyopta vAnalytics Software licenses and associated support services. VA's Enterprise Video Teleconferencing Network (EVTN) infrastructure provides the capability to allow any video device in VA network architecture to communicate with any other video device. The number of video devices and desktop client users has grown by well over 20 percent in the last fiscal year, supporting well over one million video sessions annually. This proposed action will expand the current Vyopta vAnalytics software to support additional data analytics collection up to a total of 22,000 call capacity units licenses from the EVTN Cisco Unified Communications Manager. In addition, the vendor will provide services to support installation, configuration, integration, testing, and user training for integration of these additional licenses. This shall include adding additional custom reports and integration into existing reports as well as the creation of a custom device configuration audit report. Software licenses are required to be delivered within 30 days after receipt of order. The period of performance for the support shall be 12 months from receipt of order. The total estimated price of the proposed action is
  
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is 41 U.S.C. 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) 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 extensive market research, as described in section 8 of this document, it was determined that limited competition is available for the aforementioned brand name software. The EVTN infrastructure capacity and network management platform currently in place is based on an existing and functional Vyopta

vAnalytics platform. Vyopta vAnalytics software licenses are required for Vyopta vAnalytics products. Only Vyopta or an authorized reseller or Vyopta products/services can generate the specific functional license and option keys necessary for installation on Vyopta brand products. These specific licenses and option keys are generated using a Vyopta license management system as the Vytopa licenses contain proprietary software source code. No other manufacturer utilizes, operates, or has access to the Vytopia license management system or the software source code for the Vytopia vAnalytics software. As no other vendor can provide the source code or software licenses, non-Vyopta generated licenses and option keys would be completely incompatible with VA's existing Vyopta platform. Further, no other software can be modified to be compatible with the proprietary Vytopa platform. Additionally access to the proprietary Vyopta source code is required for the installation, configuration, integration, and testing requirements of this requirement. Failure to procure additional software licenses will impede, and seriously degrade VA's ability to support and manage various Telehealth Initiatives. The expansion of Telehealth services is one of the Secretary's major initiatives to improve access for care to the Veteran locally and in remote/rural locations.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the section 8 of this justification. This effort did not yield any additional sources that can meet the Government's requirements. It was determined that limited competition is available among authorized resellers for the required brand Vyopta vAnalytics software licenses, installation, configuration, integration, testing, and user training. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized within 14 days of award on the Federal Business Opportunities Page and this justification will be made publicly available. In accordance with FAR 16.505(a)(4)(iii)(A), the justification will be posted with the request for quote on the NASA SEWP V GWAC website with the solicitation to notify all interested parties.
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 competed.
8. Market Research: Market research was conducted in May 2015 by performing web-based market research on commercial providers for other video analytical tools, to include Polycom, NetScout, and Cisco, in order to ascertain if another vendor could provide the required services. While each of these manufacturers can provide limited tools for video analytics, none are capable of providing the ability to expand on VA's existing tool, or provide the capability to obtain source data directly from existing VA EVTN devices. Further, market research identified that, the ability to generate the specific Vyopta system licenses was only available from Vyopta or an authorized Vyopta reseller, and only Vyopta software licenses are compatible with the

current EVTN infrastructure and the current Vyopta platform. Based on the above, it has been determined that only Vyopta vAnalytics software licenses and associated support services meets all of the Governments requirements. In July 2015, additional market research was conducted on the NASA SEWP V GWAC which found that numerous resellers of the product were available.

9. Other Facts: None.

