

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 Delivery Order (DO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC). The proposed contractual action is for annual maintenance of the brand name Biscom Fax Servers for the National Capital Region (NCR). The order will include an initial maintenance period of 12 months, and include four 12-month option periods.
3. Description of Supplies or Services: The VA, Office of Information and Technology (OI&T) requires annual maintenance of the VA owned Biscom Fax Server systems. The Biscom Fax Servers provide high volume production faxes for the North Capital Region (NCR). The maintenance service plan renewal is being procured for Biscom Fax Servers Serial Numbers 670440, 670441, 670442, and 670443 and the premium Biscom Fax Server software suite. The period of performance will consist of a 12-month base maintenance period and four 12-month optional maintenance periods. The total estimated value of the proposed action, inclusive of options, is [REDACTED]
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is 41 U.S.C. 4106(c)(2) as implemented by 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: This is a brand name justification in accordance with FAR 11.105, Items Peculiar to One Manufacturer. Based on the market research described in section 8 of this document, it was determined that limited competition is available for the maintenance of the brand name items. Only Biscom or its resellers can provide the Biscom proprietary software maintenance support. Without the renewal of the Biscom software maintenance support, VA will not be able to receive critical software updates, enhancements, software corrections and technical support for the Biscom Fax Server application suite. This is an immediate risk to the Secretary VA and all the VA Central Office tenants not

being able to receive faxes from Veterans, other government agencies, or internal VA offices. Furthermore, changing to another solution for software maintenance support would invalidate the previously purchased four fax servers and the software applications that are currently in use. The renewal of Biscom software maintenance support is vital to VA for the exchange of information required by VA business processes to support Veterans. Utilizing any other brand name would result in interoperability and compatibility issues with the currently fielded Biscom software. If another brand name item was to be utilized it would not be able to communicate with the existing Biscom licenses due to the proprietary code of the software. The only alternative to this acquisition would be to replace the Biscom Fax Servers with another brand, which is not a viable solution for several reasons. First, the devices are not at their end of life and are believed to be in good working order; able to fulfill their function over the course of the maintenance period. Second, any devices that would replace the current Biscom Fax Servers would require support and maintenance to be purchased through the respective vendors and would require the purchase of brand name or possibly sole source maintenance contracts for those devices.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. It was determined that limited competition is available among authorized resellers for this brand name item on NASA SEWP. 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 within 14 days of award.
7. Actions to Increase competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to perform additional market research in a timely manner so that other solutions can be considered.
8. Market Research: VA technical personnel conducted market research beginning in September 2014 through July 2015. Market research consisted of VA technical personnel reviewing maintenance products similar to the Biscom fax server equipment and software. Based on research, which included previous use of these products, the Government's technical experts determined that neither eFax, Silent Fax, Imecom, Right Fax nor the Cisco Fax Server products could provide the required software maintenance support for the VA-owned Biscom Fax Server systems. Additional market research was performed in July 2015 by conducting a provider lookup on the NASA SEWP V GWAC website. Search results indicated that four vendors (three small businesses and one large business) have Biscom products on their catalogues. In addition, NASA SEWP V GWAC has a dynamic catalog where line items can be added based on customer requests; therefore, as long as the required item or service is within scope of the NASA SEWP V

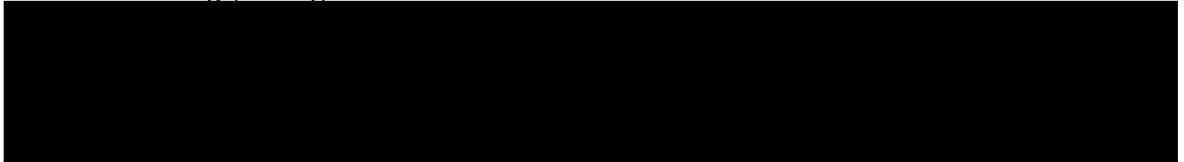
GWAC, items and services can be added to the catalog on a daily basis. Therefore, limited competition is expected for this proposed action.

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.



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 the expectation of competition among authorized resellers. Additional price analysis will be conducted consisting of a comparison of the successful quote to the Independent Government Cost Estimate, published commercial pricing, and the awardee's NASA SEWP V GWAC catalog pricing.



12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$650,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

