

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, NJ 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) V Governmentwide Acquisition Contract (GWAC) for brand name Polycom Advantage software and Hardware maintenance support services.

3. Description of the Supplies or Services: VA, Office of Information and Technology (OI&T), Service Delivery and Engineering, Field Operations Region 3 has a requirement for brand name Polycom Advantage software and hardware maintenance support services for existing Polycom HDX Video Teleconference (VTC) endpoint devices. The maintenance and support will provide VA with the most current software updates and maintenance support for the currently deployed Polycom HDX VTC endpoints. These services include 24 hours a day, 365 days per year telephone support, updates to software including new releases and next day advance part replacement for failed equipment, access to online support tools, and the ability to add onsite support from a customer service engineer during business hours if required. The period of performance is for 12 months with four 12-month option periods. The total estimated value of the proposed action is [REDACTED] inclusive of options.

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 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: Based on extensive market research described in section 8 of this document, it was determined that limited competition is viable among NASA SEWP V resellers for the required Polycom Advantage software and hardware maintenance support. This requirement is to maintain VA's currently installed endpoint devices. These Polycom HDX VTC endpoints are currently connected to the VA Network while running Polycom proprietary software. To comply with Continuous Readiness in Information Security Program requirements and keep the Polycom VTC endpoints running efficiently and securely, upgrades and patches to the software are necessary. No other software is interoperable or compatible with the currently fielded Polycom HDX VTC endpoints. Specifically, the current system and software communicate through a source code based on Polycom's

Polycom Advantage Software and Hardware Maintenance

proprietary data. No other software can provide this communication capability without this source code.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Limited competition among resellers is anticipated for this effort. Although the Government is limiting competition as a result of specifying unique and specialized software and maintenance support, there are numerous authorized resellers of these Polycom products on NASA SEWP V GWAC. Furthermore, in accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), notice of the award of the resulting order will be synopsisized and this justification will be posted on the Federal Business Opportunities Page within 14 days of award. Additionally, this justification will be posted to the NASA SEWP V GWAC website along with the solicitation.

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: The Government's technical experts conducted market research in May 2015 by reviewing other similar software and hardware products. This review included Cisco/Tandberg and Lifesize products. While these VTC endpoints perform the same function, their hardware is not interchangeable with the existing Polycom endpoints. Also, the software from Cisco/Tandberg is not compatible with the Polycom HDX VTC endpoints. The system relies on a source code based on Polycom's proprietary data. This source code provides communication capability for the system and software. Based on this market research, it was determined that while other sources may have the general capabilities needed to perform the type of work associated with this effort, only Polycom can meet the requirement.

The Contract Specialist conducted additional market research in July 2015 by utilizing the National Aeronautics and Space Administration (NASA) Solutions for Enterprise Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) Provider Look-up tool. The Provider Lookup tool identified several resellers of the brand name Polycom, Inc. products and maintenance that meet the requirements of this acquisition. Furthermore, NASA SEWP V 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 GWACs, items and services can be added to a NASA SEWP V GWAC holder's catalog on a daily basis.

9. Other Facts: None.