

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 a National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC).

3. Description of the Supplies or Services: VA, Office of Information and Technology, Region 2 requires maintenance and technical support services for the Avaya Aura Messaging (AAM) voice messaging system at the following sites: Fargo, Fort Meade, Sioux Falls, St. Cloud, Des Moines, Grand Island, Hot Springs, Iowa City, Lincoln, Omaha, Twin Ports, and Minneapolis VA Medical Centers (VAMC) in Region 2, Veterans Integrated Service Network (VISN) 23. The AAM system replaced the Avaya Call Pilot system at all sites. VISN 23 is therefore seeking Avaya Technical 24x7x365 Support including access to critical patches/software updates. The Contractor shall respond to all VA support requests via email and/or telephone within one business day and shall provide a timetable for resolution of each reported issue. The period of performance shall be 12 months followed by two 12-month option periods. The total estimated value of this acquisition is \$291,136.00, including 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 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 market research, as described in section 8 of this document, it was determined that limited competition is available for the required brand name hardware and software maintenance among Avaya resellers. VA currently uses AAM at the 12 VISN 23 sites listed in paragraph 3. Avaya's voice messaging system provides seamless and full communication capability with the Avaya CS1000 private branch exchange (PBX) deployed at all the sites. Only Avaya, or one of its authorized resellers, can fulfill the Government's requirements for Avaya maintenance services due to the proprietary nature of the hardware and associated software. A non-Avaya service provider would be unable to provide the required hardware and software maintenance to maintain the AAM because only Avaya service providers will be able to access the source code required for specific patches and software updates. Access to this source code is necessary to maintain the existing

AAM hardware and software. Without access to the proprietary source code the system would be exposed to risk from not receiving critical Avaya proprietary patches and updates, which would jeopardize and undermine the entire PBX communication system. In addition, VA personnel would not have access to Avaya experts who are capable of providing the technical expertise to fully address and resolve issues with the AAM. The Government contacted Avaya in January 2016 to ascertain if this proprietary source code is for sale and was advised that the code is not for sale.

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, other than authorized resellers, that can meet the Government's requirements. It was determined, however, that limited competition is anticipated among authorized resellers for required hardware and software maintenance. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and the justification will be made publicly available on the Federal Business Opportunities Page within 14 days of award. The justification will also be posted to the NASA SEWP V GWAC website along with the Request for Quotation.

7. Actions to Increase Competition: The Government will continually conduct market research by surveying the marketplace to determine if there are any non-Avaya resellers that can provide the required hardware and software maintenance support to meet VA's needs to allow for a future competitive procurement.

8. Market Research: The Government technical experts reviewed other hardware and software maintenance and support providers available on the NASA SEWP V GWAC in April 2016, including Cisco and NEC. Although these sources may be able to provide general maintenance capabilities, neither could provide the required maintenance to sustain the existing AAM system without access to the Avaya proprietary source code. Based upon this market research, only Avaya brand hardware and software maintenance and support can meet all of Region 2's needs. Additionally, in April 2016 the Contract Specialist conducted market research to ascertain the extent of limited competition among resellers. Through use of the Provider Look-up tool on the NASA SEWP V GWAC website, numerous resellers of Avaya maintenance support were identified that could possibly meet VA's needs. Therefore limited competition is anticipated.

9. Other Facts: None.