

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

3. Description of the Supplies or Services: VA, Office of Information and Technology, Service Delivery and Engineering, Field Operations, Region 4 requires 9,742 pieces of brand name Cisco hardware and 17,626 Cisco licenses to replace its current Private Branch Exchange (PBX) systems at Montrose, New York and Huntington, West Virginia which are at the end of life and out of warranty and integrate into the Cisco Unified Computing System (UCS) Voice over Internet Protocol (VoIP) system infrastructure currently set up and in operation across all Region 4 sites. All hardware and software shall be delivered within 30 days of award. The Contractor shall provide a 12-month warranty on all delivered hardware. The total estimated price of the brand name Cisco hardware and software is \$1,660,983.60.

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) Paragraph 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 among authorized resellers for the required brand name Cisco hardware and software. Region 4 currently has a VoIP infrastructure in operation at all locations utilizing the Cisco Unified Computing System (UCS) platform. The hardware and software being purchased in the procurement must be interoperable and compatible with the Cisco UCS platform. Cisco is the only brand name hardware and software that can support the current infrastructure. The current infrastructure is integrated through a VoIP Media Gateway Control Protocol (MGCP) that can only interface with Cisco hardware and software. Due to the fact that the MGCP is a master/slave protocol created by Cisco, the voice gateway, which is also the Cisco router, would only allow Cisco hardware to use its port for telephony purposes. Hardware and software that is compatible with the existing infrastructure protocols and functionality is essential for continued operational availability. If VA does not update this end of life hardware and software with the required Cisco hardware and software the VoIP phone system would not work properly, causing voice network delays, packet loss, and dead air; leading to

work stoppages and an interruption of patient care jeopardizing VA's overall mission to serve Veterans.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the award notice for this action will be synopsisized within 14 days of award on the Federal Business Opportunities Page along with a copy of this justification. In addition, this justification shall be posted to NASA SEWP V GWAC website with the solicitation for consideration by prospective offerors.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would allow other brand hardware and software to be interoperable with the Cisco UCS platform, thus enabling future actions to be fully competed.

8. Market Research: In January 2016, the Government's technical experts reviewed similar hardware and software products to ascertain if these items could meet, or be modified to meet, VA's requirements. Specifically, the Government's technical experts reviewed other similar brands of hardware and software from Avaya and Juniper Networks, however none of these products were found to work in the current Cisco infrastructure due to the proprietary constraints discussed in section 5 of this document. Only Cisco's hardware and software can interoperate with the existing Cisco UCS platform due to the integration required with the current MGCP in use within the current infrastructure.

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 the required Cisco hardware and software were identified that could possibly meet VA's needs. Therefore limited competition is anticipated.

9. Other Facts: N/A