

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 firm-fixed price (FFP) delivery order issued under the National Aeronautics Space Administration (NASA) Solutions for Enterprise Wide Procurement (SEWP) V Government Wide Acquisition Contract (GWAC) for brand name NICE Systems (NICE) software licenses, maintenance, and technical support, plus maintenance and technical support for licenses already owned by VA to increase capacity and improve performance of the Voice Access Modernization (VAM) Enterprise Interactive Voice Response (IVR) Enterprise Contact Center (ECC) environment.
3. Description of the Supplies or Services: Specifically, the function that NICE software performs in the VAM Enterprise IVR ECC environment is to direct calls to the appropriate agents and to measure the Veterans experience through surveys. This will be accomplished through purchasing a total of 5,775 additional software licenses. In the base period, the requirement includes brand name NICE software maintenance and technical support renewal for 1,800 Engage software licenses, which is the Quality Assurance (QA) software solution that provides voice and screen recording capabilities for the existing VAM ECC environment. NICE Engage is integrated with the VAM ECC Cisco Unified Contact Center Enterprise (UCCE) components that provide voice and screen encrypted recordings, desktop analytics, coaching and Workflow Management (WFM). Maintenance and technical support renewal is also required for 1,800 WFM software licenses, which are designed to forecast, schedule, and track agents from holistic enterprise vantage points. In the base period, an additional 4,355 software licenses are required to cover an increase in the call center agents migrating from existing National Automated Response System to the VAM IVR. The additional licenses include 1,300 Engage perpetual software licenses, 1,300 AIR Voice Capture perpetual software licenses, 1,625 Encryption perpetual software licenses, and 130 AIR Screen Capture perpetual software licenses.

In addition to the base period requirement, there are five optional tasks to purchase a total of 1,420 additional NICE software licenses: 200 Engage perpetual software licenses, 750 WFM perpetual software licenses, 200 AIR Voice Capture perpetual software licenses, 250 Encryption perpetual software licenses, and 20 AIR Screen Capture perpetual software licenses. There is one optional task to renew the maintenance and technical support for the 3,100 Engage perpetual software licenses for 12 months and one optional task to renew the maintenance and technical support for the 1,800 WFM perpetual

software licenses for 12 months. Delivery of the licenses is required within 30-days after receipt of order, with a period of performance of 12-months from date of delivery for the licenses. The optional requirements may be exercised at any time during the 12-month base period. The total duration of the order will not exceed 24 months.

The total estimated value of the proposed action is [REDACTED] broken down as follows:

Base	[REDACTED]
Options	[REDACTED]
Total	[REDACTED]

4. 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) Subpart 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 support of FAR 11.105, Items Peculiar to One Manufacturer. Based on extensive market research, as described in section 8 of this document, it was determined that only NICE software licenses can meet the Government's requirements. The current VAM ECC environment is comprised of NICE Engage and Work-Force Management (WFM), and VA requires software compatible with the existing environment to ensure continued operational availability.

Since NICE Engage is the software solution that is integrated into the existing Cisco UCCE, and every agent connected to the system must have an active license, only NICE can provide the additional licenses required. NICE QA system can co-exist with similar software in the same architecture; however, agent encrypted recordings captured on the NICE platform cannot be replayed on any other manufacturers' equipment/software (Verint, Calabrio). NICE will not support additional agents without additional NICE brand agent licenses. Any other similar software will require total design, development, hardware, installation, and configuration of the new system prior to being able to add agent licenses to it. The result would be two stove-pipe systems, which do not integrate with each other, and require major additional investment to stand-up. Any additional expansion then would again require brand-name licensing, or the process of a new system would be the risk again. VA currently has two brands of the Quality Assurance products, NICE and VERINT, and the incompatibility of these products is well known.

No other software licenses can integrate and communicate with the existing VAM ECC environment because of the NICE encryption. The existing

environment has been in place for 3-years. This environment has also been meticulously tested in regards with meeting VA security (6500 directives)/web application security assessment scans which is an ongoing task within itself. No other original equipment manufacturer's products can access the NICE proprietary source code and provide interoperability and compatibility with the current VAM ECC environment.

Additionally, annual software maintenance and technical support is required for existing Engage and WFM licenses to access technical assistance, software patches, and other corrective actions for bugs and issues discovered with the software. Only Nuance, or its authorized resellers, can provide the required maintenance support services due to Nuance's proprietary software code. The proprietary software code is needed in order to understand the interworking's of the software at a level required to properly implement the NICE software.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. Market research did not yield any alternative products other than NICE that can meet the Government's requirements to be 100 percent compatible with the existing VAM ECC environment. Although the Government is limiting competition, it is anticipated that there will be several vendors on NASA SEWP V who can provide the required brand name NICE software. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsized at award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.

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 from January 2016 to present, and there is no other software available in the market place that can meet VA's requirements. Specifically, the Government's technical experts conducted web-based research to determine if any other brand name software could meet VA's functionality requirements other than NICE. Specifically, the Government technical experts conducted web-based research to determine if any other brand name software could meet VA's functionality requirements other than NICE, including software by Verint, Zoom or Calbrio. It was determined that the products offered by Zoom and Calabrio do not provide the WFM functionality that is required. Additionally, the product offered by Verint would not provide the necessary interoperability, compatibility, integration and scalability with the existing Cisco UCCE infrastructure.

9. Other Facts: None