

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

Cisco Data Network System

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office (NCO) 10, 260 E. University Avenue, Cincinnati, OH 45219.

The Requesting Agency is VISN 10, VAMC Medical Center, Engineering Service (138). 3200 Vine Street, Cincinnati, OH 45220.

2. **Nature and/or Description of the Action Being Processed:**

Engineering Service is requesting approval to use other than full and open competition to solicit a Brand Name Only for Switches, Model Number WS-C3750V2-48PS-S, manufactured by Cisco, for use on **Project No. 539-327, Replace Animal Research Facility, Phase 3**. This project will be awarded as a new Firm-Fixed Price contract. This Justification and Approval (J&A) is submitted pursuant to the authority of 10 U.S.C 2304 (c) (1) or 41 U.S.C. 253 (c) (1), which provides that full and open competition need not be obtained where there is "only one responsible source and no other supplies or services will satisfy agency requirements." Federal Acquisition Regulation (FAR) Part 6.302-1(c) "Only one responsible source and no other supplies or services will satisfy agency requirements."

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

The subject project involves the construction of new research lab and administrative space. This includes an expansion of the existing data communications network, involving Cisco switches in the Signal Closets. The Estimated Value of the Cisco Equipment is [REDACTED]. The Estimated Value of Replace Animal Research Facility, Phase 3 project is [REDACTED].

4. **Statutory Authority Permitting Other than Full and Open Competition:**

- (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- () (2) Unusual and Compelling Urgency per FAR 6.302-2;
- () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- () (4) International Agreement per FAR 6.302-4
- () (5) Authorized or Required by Statute FAR 6.302-5;
- () (6) National Security per FAR 6.302-6;
- () (7) Public Interest per FAR 6.302-7;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

Cisco has proprietary communication protocols on their switches, which by their very nature are designed to be used with other Cisco and only other Cisco products. Because the

switches are proprietary, only that manufacturer can create a switch which will operate with the existing switching environment. The reason for proprietary switches is due to the performance risk to the network. The switch allows computers to talk to other computers and could cause a possible loss of network and therefore loss of data.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

It has been proven that interchanging switch manufacturers in a network will lead to outages. Any outage to the network will impact patient care. Cisco is needed to interface with the current equipment and keep the network up and running smoothly. This solicitation will be publicized via FedBizOpps.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

Determination of fair and reasonableness of cost will be based upon a complete price analysis and Independent Government Cost Estimate. The anticipated cost will be considered fair and reasonable. This project will be issued as an Invitation for Bid (IFB). Tradeoffs and Evaluation Factors are not applicable for this project.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

Market research has been previously conducted for prior projects, concerning this subject. Cisco communication switches are currently in use throughout the entire hospital.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

Data switches play a critical role in patient care. Besides the necessity of keeping the network running, if something were to happen to the equipment, which would also compromise the network, the equipment would be able to be fixed with parts that are kept on site for the Cisco network. A single source manufacturer of the data network switches keeps the integrity of the network in tack and allows for prompt technical support whenever problems occur.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

See Section VI above.

11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:

Solicitations for future requirements will utilize "brand name or equal" language, if it is in the Government's best interest to do so. The current requirement must be solicited using a brand name description because the Government needs to create an exact copy of a system/item that is currently in use.

12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my

cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

ZACHARY G.
SCHMIDT 434330

Digitally signed by ZACHARY G. SCHMIDT 434330
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Zachary Schmidt
Project Engineer, Engineering Service
VAMC – Cincinnati, OH

5/2/16

Date

13. Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

DONALD L.
WENTZEL 314394

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Donald L. Wentzel
Contracting Officer
Network Contracting Office (NCO) 10

5/24/2016

Date