

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 brand name firm-fixed-price delivery order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC), henceforth referred to as NASA SEWP.

3. Description of the Supplies or Services: The proposed action is for the renewal of brand name Avaya Voice Over Internet Protocol (VOIP) telecommunications system maintenance support for software licenses and associated hardware currently used by VA Chief Business Office Purchase Care (CBOPC) at the Health Administration Center (HAC) in Denver, Colorado. The HAC CBOPC provides effective administration for health benefit plans including Civilian Health and Medical Program of VA, Spina Bifida Health Care Program, Children of Women Vietnam Veterans Health Care Program, and Foreign Medical Program. Additionally, it is responsible for managing and performing program policy, eligibility determinations, enrollment, third party provider contact management, claims processing and status reporting, accounts payable (claims payment), accounts receivable (recoupments), and program integrity. The existing Avaya VOIP telecommunications system provides HAC CBOPC with efficient communication mechanism in order to interact with Veterans and beneficiaries regarding the Veteran's beneficiary medical claims and health benefit plans. The Avaya software and hardware maintenance support required by this procurement will provide continued 24X7 support via telephone, internet, email, access to minor software updates/patches, and onsite (if required). The period of performance is 12 months. The total estimated price of the proposed action is [REDACTED]

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) 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: Based on the market research, as described in section 8 of this document, it was determined that limited competition is available for the brand name Avaya software and hardware maintenance support. Only Avaya or one of its authorized resellers can provide the required software and hardware maintenance due to proprietary constraints. The current Avaya VOIP system operates on Avaya's proprietary infrastructure and no other software or hardware maintenance provider would have the propriety rights to access the fundamental elements of the software and hardware that are necessary to provide the required maintenance. It is illogical to replace the existing Avaya VOIP system in order to compete this requirement

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for continued software and hardware maintenance as this would require replacing all phones, software, and hardware (i.e. servers, phone ports, etc.) that comprise the existing system. Furthermore, using another product would result in extensive delivery delays and substantial duplicated costs that would not be recovered through competition.

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 that can meet the Government's requirements. It was determined, however, that limited competition is viable among authorized resellers for the required brand name Avaya maintenance. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized on the Federal Business Opportunities page and this justification will be made publicly available within 14 days of award. This justification shall also be posted with the solicitation on the NASA SEWP website for review by prospective offerors.

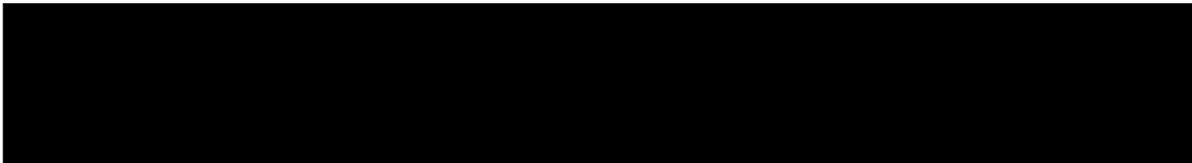
7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be fully competed.

8. Market Research: Market research was conducted in November 2016 to ascertain the ability of any source other than Avaya or an authorized reseller to provide the required maintenance and support discussed above. The research consisted of reviewing various alternative VOIP systems including those from Cisco Systems, Inc and Alcatell-Lucent USA, Inc.. Based on review of these products, the Government's technical experts determined that only Avaya or one of its authorized resellers can provide the required software and hardware maintenance support for the proprietary reasons discussed above.

Additional market research conducted in December 2016 using the NASA SEWP Provider Lookup tool identified multiple Avaya authorized resellers on the vehicle. The requirement discussed herein has been found to be within scope of NASA SEWP in a separate determination by the Contracting Officer in January 2017. As a result of the aforementioned market research, VA intends to issue Request for Quotation number VA118-17-Q-1855 on NASA SEWP.

9. Other Facts: N/A.

10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.



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11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on contracts awarded on NASA SEWP having already been determined to be fair and reasonable. Additionally, as there are multiple potential resellers on NASA SEWP, further price competition is anticipated. Finally, the proposed price will be compared to the Independent Government Cost Estimate.



12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$650,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.



13. Legal Sufficiency Certification: I have reviewed this justification and find it adequate to support an exception to fair opportunity and deem it legally sufficient.

