

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, NJ 07724
2. Description of Action: This 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).
3. Description of the Supplies or Services: VA, Office of Information Technology, Information Technology (IT) Operations and Service, Field Operations Region 3, in support of the Northern Indiana (IN) Veterans Affairs Medical Center (VAMC) requires NEC Private Branch Exchange (PBX) equipment for activation of the new St. Joseph County Clinic in Mishawaka, IN. The required NEC PBX equipment will interface directly with the existing NEC PBX equipment that is presently installed at the Northern IN VAMC. Delivery is required within 30 days from date of award. The period of performance for the required maintenance shall be 12 months from date of government acceptance of the equipment.
4. Statutory Authority: The statutory authority permitting this 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 justification, it was determined that limited competition is viable among resellers for the required brand name PBX equipment and support. VA currently uses NEC PBX equipment for its voice telecommunications services within the Northern IN VAMC and its associated Community-Based Outpatient Clinics. No other brand hardware can integrate seamlessly with the current NEC infrastructure to extend integrated telecommunications capabilities from the Northern Indiana VAMC to the St. Joseph County Clinic. There is no middleware currently available in the marketplace that translates brand specific code found on the PBX hardware to allow multiple brands to be integrated and to interoperate between multiple facilities.

## **St. Joseph County Clinic PBX System**

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the award notice for this action will be synopsisized and this justification will be posted within 14 days of award on the Federal Business Opportunities Page. In addition, this justification shall be posted to NASA SEWP V GWAC website with the solicitation.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the Government will continually conduct market research by surveying the marketplace to determine if there are any other brands of PBX equipment that can meet VA's needs.

8. Market Research: The Government's IT Specialists performed market research in December 2016 by researching other similar brands of PBX hardware to ascertain if other products could integrate with the current Northern IN VAMC NEC telecommunications infrastructure. The Government's IT Specialists reviewed similar PBX bundle hardware from Cisco, Avaya, and Nortel. After review of these products, it was determined that the only product that could meet VA's needs was the NEC PBX server bundle which can only be obtained through NEC or an authorized reseller. None of the other solutions can integrate and interoperate with the existing NEC infrastructure currently constituting the Northern IN VAMC telecommunications network as discussed in section 5 of this justification.

Additionally, market research was conducted in February 2017 utilizing the NASA SEWP V GWAC Provider Lookup Tool to determine whether the required brand name NEC NEC PBX server bundle was available from current GWAC holders. The results of the search found numerous GWAC holders that are HP resellers that could possibly meet VA's needs, including 22 Service-Disabled Veteran- Owned Small Business Value Added Resellers. Therefore, limited competition is anticipated.

9. Other Facts: None.