

## 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: The proposed action is for the issuance of a firm-fixed-price Delivery Order under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) to acquire VBrick brand name hardware and Gold Plus technical support service subscription renewals for VBrick H.324 encoders.
  
3. Description of the Supplies or Services: The Department of Veterans Affairs (VA), Office of Information & Technology, Information Technology Operations and Service has a requirement for the procurement of brand name VBrick hardware technology for the Internet Protocol Television that provides cable TV for the National Capital Region (NCR) campus. The proposed action is to maintain interoperability with the VBrick hardware and software currently in use by VA within the National Capital Region. The VBrick system is an internet protocol based television system that is used for transmitting cable television programming to all VA Central Office (VACO) campus televisions and selected VACO employee desktop computers via Internet Explorer. The VBrick hardware will replace VBrick encoders that are currently over six years old for which the manufacturer will not provide maintenance support services. The period of performance is a 12-month base, with four 12-month options.
  
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) 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 market research, as described in section 8 of this document, it was determined that limited competition is available among resellers for the required VBrick hardware and VBrick Gold Plus technical support service subscriptions. The current infrastructure is based on existing VBrick system and VA requires support compatible with the existing infrastructure protocols and functionality for continued operational availability. Only VBrick or its resellers can provide VBrick hardware and VBrick Gold Plus technical support service subscriptions due to proprietary restrictions on VBrick products. The Government does not possess the proprietary VBrick technical data nor does the Government have access to VBrick proprietary replacement parts that would be necessary to perform the same services offered by the VBrick Gold Plus technical support service subscriptions. Only VBrick or one of its resellers have the proprietary rights to access the fundamental element that is

essential for VBrick updates, enhancements, software corrections, and technical support. Lack of this support would present an immediate risk to the Secretary of VA and all VACO tenants as they would not be able to monitor National disasters or critical news events that directly affect our Nation's Veterans.

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 could meet the Government's requirements. Although the Government is limiting competition as a result of specifying VBrick brand name hardware and maintenance, multiple resellers of VBrick products and support are available on the NASA SEWP V GWAC. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the justification will be synopsisized within 14 days of award on the Federal Business Opportunities page. Additionally, in accordance with FAR 16.505(a)(4)(iii)(A) this justification will be submitted to all applicable NASA SEWP V GWAC holders along with the Request for Quotation in order to fully notify all interested parties.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to continue to perform market research to consider and ascertain if any other sources can provide these services in the future. Although the Government is limiting competition as a result of specifying a brand name items, there are multiple authorized resellers of the required brand name items on the NASA SEWP V GWAC.

8. Market Research: Government technical experts conducted market research in September 2016 through April 2017, which consisted of VA technical personnel reviewing products comparable to VBrick hardware and software, including products from Cisco, Harman, and AMX. Based upon this research, the Government's technical experts determined that Cisco, Harman, and the AMX products could not provide technical support equivalent to that of the required VBrick Gold Plus technical support service subscriptions due to proprietary restrictions on the currently fielded VBrick system. Review of these products was based on confirmation from these entities that they cannot provide technical support to VBrick products. Therefore, VBrick or its resellers are the only firms capable of providing the required hardware and maintenance necessary to meet the Government's requirements.

Additional market research was conducted in April 2017 by utilizing the NASA SEWP V Provider Lookup Tool. The Contract Specialist performed a search for the required VBrick hardware and maintenance support and identified numerous resellers of VBrick products and services that could possibly meet VA's needs. Of the identified resellers, 10 are verified Service Disabled Veteran Owned Small Businesses. Therefore, limited competition among these vendors is anticipated.

9. Other Facts: None