

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 a firm-fixed-price delivery order (DO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government Wide Acquisition Contract (GWAC) for a quantity of ten brand name Unify Hipath 4000 (H4K) Version 8 software upgrades and a quantity of eight Unify Openscape Contact Center (OSCC) Version 9 software upgrades and associated warranty and training.
3. Description of Supplies and Services: The proposed action is for a quantity of ten brand name Unify H4K Version 8 software upgrades and a quantity of eight Unify OSCC Version 9 software upgrades for the private branch exchange (PBX) systems at Veterans Affairs Medical Centers (VAMC) and Community-Based Outpatient Clinic (CBOC) under Veterans Integrated Service Network (VISN)16. Locations include: Alexandria, LA, Fayetteville, AR, Jackson, MS, Little Rock, AR, North Little Rock, AR, Muskogee, OK, New Orleans, LA, Baton Rouge, LA, Oklahoma City, OK and Shreveport, LA. VA requires the upgrade of H4K at each site. OSCC is required at every site with the exception of New Orleans, LA and Oklahoma City, OK. The H4K and OSCC upgrades are made up of various types of Unify software. Each location requires specific amounts of Unify software licenses based on the amount of staff and required licenses. The Contractor shall provide training on software upgrades and features. The brand name, Unify upgrades at the 10 locations is for sustainment in order to keep the locations operational. The period of performance for this action is 12 months for warranty, inclusive of software upgrade delivery within 30 days after DO award. The total estimated price of the proposed action is \$
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 market research, as described in section eight of this document, it was determined that limited competition is viable among authorized resellers for brand name Unify H4K and OSCC software upgrades, warranty, and training. Only the original equipment manufacturer (OEM), Unify, or an authorized reseller can upgrade the existing Unify telecommunications system at the 10 identified locations to the latest versions of H4K and OSCC. The Unify telecommunication systems are currently made up of

only brand name Unify hardware and software and requires Unify proprietary source code to remain operational and interoperable. The Unify hardware has been upgraded within the last one to three years (depending on the location) and has a lifecycle of 10 years. The telecommunication systems located at the specified locations within VISN 16 are manufactured by Unify and utilize the proprietary Unify Xpressions voicemail/Procenter ACD and centralized Call Detail Recording /traffic monitoring software to function. These features are critical to VA as they are used to monitor the clinicians at VA call centers who respond to Veterans. Additionally, the H4K and OSCC software upgrades are needed to meet OEM requirements in order to stay within version levels for maintenance and expansions of the system. No other brand name software, other than the the H4K and OSCC software, can meet VA's interoperability and compatibility requirements. Specifically, no other brand name software will be able to integrate and communicate with the currently fielded brand name Unify telecommunication systems at the 10 aforementioned locations. The current Unify environment is large and consists of only Unify brand name hardware and software and is only coded to be compatible within the Unify proprietary coding structure. No other PBX telecommunications system can provide seamless and full communication capability without Unify's proprietary source code; the absence of which would result in device inoperability. Without device interoperability, the devices would not perform their intended functions, which would cause voice network delays and issues, leading to work stoppages and an erosion of patient care, jeopardizing VA's overall mission to serve Veterans. In order to maintain compatibility and reliability, the telecommunications software upgrade must be fully compatible with the existing system. In the event the Unify PBX telecommunications systems were to become inoperable, it would pose a significant risk to VAMCs and CBOCs rendering them unable to communicate and fully perform their business and mission and compromise Veteran care. Finally, only Unify is able to provide the training and warranty due to the proprietary code and technical certifications. Only Unify or an authorized reseller can meet the Government's requirements.

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 aforementioned brand name PBX upgrades. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the award action will be synopsisized on the Federal Business Opportunities Page and the justification will be made publicly available within 14 days of award.
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 fully competed.
8. Market Research: Market research was conducted in May 2017 by researching telecommunication systems similar to the aforementioned brand name, Unify. NEC,

Cisco and Avaya were the only other brand names with similar capabilities. However, none could satisfy VA requirements to integrate in the existing Unify telecommunications system. NEC, Cisco and Avaya brand name telecommunications items and services are not able to integrate with the currently fielded brand name, Unify telecommunication systems as it runs on Unify's proprietary source code. Additional market research was conducted in May 2017 to determine what would be required to migrate to another brand name in lieu of Unify. Migration requires replacing the entire telecommunications system – replacing only portions is not an option due to lack of interoperability between VISN 16's specified locations. The estimated cost of replacing the system in the aforementioned 10 locations is \$47 million. In addition to the cost, the telecommunications would not be operational for the several months it would take to migrate to a new system, having a negative impact on patient care. Based on the market research, the technical experts concluded that Unify upgrades are the only commercially available services compatible with VISN 16's existing telecommunication system. Finally, market research was conducted in June 2017 by utilizing the NASA SEWP V Provider Lookup Tool and there is limited competition anticipated for the Unify requirements. Based on the analysis of all responses, there is reasonable expectation that limited competition among Unify resellers exists on the NASA SEWP V GWAC for the required Unify upgrades, warranty and training.

9. Other facts: None