

JUSTIFICATION  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
1701 Directors Blvd  
Austin, TX 78744
2. Description of Action: This proposed action is for the award of 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).
3. Description of the Supplies or Services: VA, Office of Information and Technology , Service Delivery and Engineering, Field Operations, has a requirement to support telecommunications capabilities at the James A. Haley Veterans Hospital (JAHVH), Tampa, FL. This proposed acquisition is in support of the NEC Private Branch Exchanges (PBX) for all Telecommunications at JAHVH. The required original equipment manufacturer (OEM) Software Assurance (SWA) coverage will provide maintenance, patches, and equipment upkeep of the deployed equipment from the manufacture. This will help to insure the JAHVH telecommunications are in good working order and supported by the OEM. This is a brand name requirement for NEC support with a period of performance to begin on October 01, 2017 which shall run through March 31, 2018 and will include three 12-month option years with an estimated ultimate completion date of March 31, 2021. [REDACTED]  
[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: More than one awardee is capable of providing the supplies or services required, but fair opportunity is limited by restriction to a brand name. Based on market research, as described in section 8 of this justification, the Government determined that limited competition is viable among authorized resellers of the required NEC SWA. The SWA coverage will provide the VA with the ability to support the fielded telecommunications systems, crucial for communications. SWA coverage consists of software patches, which must be specifically coded to work with the deployed voice systems. No vendor other than NEC or its authorized resellers can provide the required software updates/patches/repairs without introducing undue risk to the Government due to the lack of NEC code.
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 this brand name item. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the award notice for this action will be synopsisized on the Federal Business Opportunities Page (FBO) and this justification will be made publicly available.

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 competed.

8. Market Research: The Government technical experts conducted market research from May through June 2017 by researching other items and services similar to the aforementioned NEC brand name telecommunications systems, software licenses, and manufacturer's technical support. Avaya Incorporated (Avaya), Cisco Systems (Cisco), and Siemens AG (Siemens) were the only brand names with similar capabilities; however, none of those vendors could satisfy VA's requirements to provide NEC OEM SWA interoperate with the existing NEC telecommunications systems. Avaya, Cisco, and Siemens equipment, components, software licenses, and telecommunications peripheral equipment are unable to integrate with the currently fielded NEC telecommunications systems and infrastructure. Specifically, the current telecommunications systems communicate through a source code that is based on NEC proprietary data. No other PBX can provide seamless and full communication capability without the NEC proprietary source code. The absence of this proprietary source code would result in device interoperability issues. With device interoperability, the devices would not perform their intended functions, which would cause voice network delays, issues leading to work stoppages and an interruption in communications, jeopardizing VA's overall mission to serve Veterans. The team determined that in order to ensure interoperability with the existing system and to ensure that system performance would not be negatively impacted, it is necessary to use NEC brand name SWA to ensure daily operations are not interrupted. Further market research was conducted in June 2017 using other PBX communications contracts for VA and NEC's web site.

The contract specialist (CS) conducted market research in August 2017 by using the NASA SEWP V GWAC Provider Lookup and Market Research tools to determine what vendors are capable of providing the full requirement. Based on this market research, the CS identified multiple authorized resellers within NASA SEWP able to provide the required brand name products.

9. Other Facts: None