

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Procurement, Acquisition, and Logistics
Technology Acquisition Center
23 Christopher Way
Eatontown, New Jersey 07724
2. Description of Action: The proposed action is for a 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) for hardware and software maintenance of the installed baseline of Avaya Telecommunication Systems.
3. Description of the Supplies or Services: The proposed action will provide fully supported hardware and software maintenance of the installed baseline of Avaya Telecommunication Systems supporting approximately six (6) Veterans Benefits Administration (VBA) Regional Offices (ROs). Stations with Avaya Telecommunication Systems are: Bay Pines, Florida; Boston, Massachusetts; Jackson, Mississippi; New York, New York; Muskogee, Oklahoma and Milwaukee, Wisconsin. Maintenance includes hardware platform maintenance, on-site hardware parts replacement, 24x7 remote software and hardware support, software maintenance to include patches and fixes, software/firmware release and correction, and new versions when provided by original equipment manufacturer (OEM) Avaya, proactive/reactive maintenance service, and proactive secure system monitoring. The period of performance is 12 months.
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) 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 are unique or highly specialized."
5. Rationale Supporting Use of Authority Cited Above: Based on extensive market research, as described in Section 8 of this document, it was determined that limited competition is viable for the required maintenance among authorized resellers for Avaya hardware and software maintenance. Avaya telephone systems have been installed and configured within VBA RO's since 2001 in support of the VBA's National Telephone Strategy. The Avaya telephone systems are extremely complex and the current telephone systems are based on existing Avaya products, including hardware, software, phones, and all ancillary hardware equipment which allows communications directly with the VA network. Only Avaya or Avaya authorized resellers have access to Avaya certified parts, materials, components, and access to Avaya certified technical support experts

required to maintain and refresh the current system. Only Avaya products are compatible and interoperable with the existing Avaya infrastructure and its sole source proprietary software is required to prevent any degradation of the telecommunication services.

These six (6) VBA RO's mission of processing Veteran's entitlement claims are dependent on fully functioning phone systems for interfacing with the nation's Veterans. Avaya and its resellers are the only providers of Avaya telephone and software maintenance that can integrate with the installed Avaya platforms due to sole source proprietary data required to operate the Avaya platforms. No other communication manager telephone system can provide seamless operational capability and provide full communication capabilities without the Avaya source code. Purchasing telecommunications hardware and software maintenance from a manufacturer other than Avaya or an Avaya authorized reseller will cause major interoperability issues with the existing Avaya telephone systems resulting in total system failure as the sole source proprietary Avaya hardware and software operate the Avaya platforms.

Only Avaya certified technicians possess the technical expertise in Avaya hardware equipment and software and have access to the sole source proprietary data to ensure the required services can be performed without interruption. Failure to obtain the Avaya hardware and software maintenance services will have a direct and significant negative impact for VA. The entire VBA RO system is at high risk of becoming inoperable due to its operating system reaching end of life. Should system failure occur it cannot be restored. System failure could pose danger to VA employees and any Veterans on premise at the VBA RO should telephones be inoperable in the event of an emergency. Additionally, the VBA RO provides support to VA's National Contact Center. Therefore, if Avaya hardware and software is not maintained, Veterans will not be able to reach the National Contact Centers to obtain Congressional mandated educational benefits, for example, if the systems are out of service.

6. Efforts to Obtain Competition: Market research was initiated during the month of September 2017, details of which are in Section 8 of this justification. This effort did not yield any additional sources that can meet the Government's requirements. It was determined, however, that limited competition is anticipated for the required Avaya Telecommunication Systems hardware and software maintenance among authorized resellers that currently hold NASA SEWP V GWAC contracts. 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 made publically available on the Federal Business Opportunities website within 14 days of award. In addition, in accordance with FAR 16.505(a)(4)(iii)(A), this justification will be posted with the solicitation on the NASA SEWP V GWAC website.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, 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. VA has launched an Enterprise Unified Communication (UC) product task force to review all telecommunication systems throughout the VA network towards the goal of leveraging systems and consolidate as many VBA RO's with the Veterans Health Administration hospital systems. This task force is currently in the planning phase and the consolidation is anticipated to occur before the end of 2018.

8. Market Research: Market research was conducted during the month of September 2017 by the Office of Information and Technology (OI&T), IT Operations Services (ITOPS), Telephone Voice Engineering (TVE), Telecommunications Specialists supporting VBA RO Field Operations by researching telecom manufacturers such as Cisco and Tadiran using salient characteristics as the basis for similar telephone systems with comparable capabilities. However, while other manufacturers provide telephone system maintenance and break fix support for their respective systems, other manufacturers including Cisco and Tadiran are not capable of providing Avaya hardware and software maintenance as required. Only Avaya or Avaya certified partners have access to Avaya certified parts, materials, components, and access to Avaya certified technical support experts required to maintain and restore the current VBA RO telecommunication systems. The Avaya platforms cannot function without licensed Avaya proprietary software which would impact the functions of these six (6) VBA RO's mission of processing of Veterans entitlement claims. In October 2017, a Request for Information (RFI) was issued to vendors on the NASA SEWP V GWAC, request ID#76042. The RFI yielded two (2) responses. The Government's technical experts reviewed the responses and deemed both vendors capable of meeting the requirements. Additional market research was conducted by utilizing the NASA SEWP Provider Lookup Tool. There are 91 contract holders listed that provide Avaya products. Therefore there is competition anticipated for the Avaya hardware and software maintenance.

9. Other Facts: None.