

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, NJ 07724
2. Description of Action: This proposed action is for the issuance of 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).
3. Description of the Supplies or Services: VA, Information Technology Operations and Services (ITOPS), has a requirement to procure 27 brand name Cisco Stackable Network Switches, inclusive of 14 Universal Power Over Ethernet (UPOE) and 13 Stackable Power Over Ethernet (POE). This equipment will be used to upgrade the pre-existing Cisco and Nurse Call System infrastructure in place at the Tomah, VA Medical Center (VAMC). Nurse Call provides audio and visual indications that patients need assistance and badges worn by nursing staff that track movements in response to the Nurse Call alarms. The upgrade will take place in the following Buildings; 400 (676:18-104), 402, 403 (676:17-002), 409, and 410. The period of performance will be 30 days from date of award and warranty and maintenance support shall occur for 12-months thereafter. [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) 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 upon market research, as described in section 8 of this justification, the Government determined that limited competition is available for this action among resellers for the required brand name Cisco Stackable Network Switch hardware. VA requires an upgrade of the current Cisco equipment infrastructure; therefore, it is vital that any equipment procured through this action maintains compatibility and interoperability with the existing Cisco equipment. Only Cisco or an authorized reseller can provide the necessary products for the upgrade of the existing Cisco based Nurse Call System in place to comply with current Information Security regulations. Cisco 3850 switches are the only switch certified for use by the manufacturer of the Nurse Call system (HILL ROM). Use of any other device voids the Underwriters Laboratory (UL) and Food and Drug Administration (FDA) certifications for the Nurse Call System which would potentially create a life-safety issue and an unacceptable liability for the VA, as the delay of critical care could lead to further injury or patient death. This is the result of the Nurse Call System requiring up to 60

watts of power provided by each port on the switches, which is double that of normal switches.

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 for the required hardware other than brand name Cisco products or its authorized resellers that can meet the Government's requirements. Although the Government is limiting competition as a result of specifying a brand name, limited competition is viable among authorized resellers for the required brand name hardware that are NASA SEWP V GWAC holders. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized, and the justification will be made publicly available within 14 days of award on the Federal Business Opportunities Page. In accordance with FAR 16.505(a)(4)(iii)(A)(2), the justification and supporting documentation along with the solicitation will be provided to all contract awardees on the NASA SEWP V GWAC.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for the requirements described herein, the agency will continue to perform market research to ascertain if there are changes in the marketplace that would enable future actions to be competed.

8. Market Research: The Government's technical experts conducted market research during January 2018 by reviewing similar hardware products to ascertain if other brands could meet VA's functionality requirements. Specifically, the Government's technical experts conducted web based research and discovered that while other networking hardware solutions from alternative manufacturers such as Extreme Networks and Hewlett-Packard exists, it does not meet VA's requirements because only Cisco has been certified to interconnect with the existing Nurse Call System. Therefore, at present there is no other hardware available in the market place that can meet this requirement. In addition, VA networking Subject Matter Experts regularly review industry trade publications and conduct internet research to ascertain if any other brand name hardware is available. Based on all of these market research efforts, the Government's technical experts have determined that only the aforementioned Cisco brand name hardware and maintenance support can meet all of the VA's needs.

9. Other Facts: None.