

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Procurement Acquisition and Logistics
Technology Acquisition Center-Austin
1701 Directors Blvd, Suite 600
Austin, Texas 78744
2. Description of Action: This proposed action is for the award 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) for the refresh of End of Life and End of Support Cisco phones.
3. Description of the Supplies or Services: VA Office of Information and Technology, Information Technology Operations, and Services (ITOPS) Unified Communications Infrastructure Support (UCIS) section has a requirement to refresh End of Life and End of Support Cisco Phones at 58 VA locations. This effort will refresh 6,118 Cisco wireless phones, 12,330 Cisco desktop phones, and 758 Cisco conference phones. This effort shall refresh Cisco Phones for the current Cisco Unified Communications (UC) deployment, which provides critical integrated voice, video, data, and mobility applications. All warranties for Cisco equipment and licenses will be covered under VA's National Enterprise Service Agreement (ESA). Also, this effort requires deployment services (installation) of Cisco IP Series 8841s and 8832s desktop phones at 11 locations which include their respective off-site locations. The period of performance will be one year from date of award.
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is 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 on market research, as described in section 8 of this document, it is determined that limited competition is viable among authorized resellers for the brand name Cisco products. The preexisting Voice System (VS) infrastructure in 58 VA locations requires a lifecycle refresh for End of Life/End of Support Cisco Phones that ensures compatibility and interoperability with the existing Cisco equipment. Specifically, while other VoIP hardware and software solutions from alternative manufacturers such as Blackbox and Brocade exists, it does not meet VA's requirements because only Cisco or an authorized reseller has access to the proprietary database and structure specific to the expansion requirement to interconnect with the voice systems currently in place. Therefore, only Cisco or an authorized reseller can provide the necessary products for the lifecycle refresh of existing Cisco VoIP desktop and wireless phones which are compatible with the current voice mail, automated call distribution, phone licensing, software, and hardware components deployed across the voice network for all 58 sites. No other source is capable of providing the required Cisco VoIP phones that meets VA's unique functional requirements and only Cisco wireless phones are compliant with VA security

requirements and approved for deployment. The acquisition of different VS products, even if another existed with qualifications that met VA's functional needs, would not communicate with the existing Cisco hardware and software. The compatibility and interoperability issues would prove insurmountable from a technical and operational standpoint since it would require VA to purchase an entirely new VS rather than replacement of the current End of Life/End of Support Cisco Phones. This would result in extensive delivery delays and duplicated costs that would not be recovered through competition. In addition, it would take approximately six months to replace an existing telephony system during which critical communications activities will be interrupted impacting daily operations of the medical center; directly impacting patient care. Furthermore, the wireless phones capabilities within these medical centers are integrated with existing VA nurse call systems. Loss of this capability would diminish the staff's ability to provide quality care to our Veterans.

6. Efforts to Obtain Competition: Market research was conducted, 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. However, the undersigned VA technical representative determined that limited competition is available among authorized resellers for brand name Salesforce licenses, as well as software maintenance and support. In accordance with FAR 16.505(a)(4)(iii)(A)(1), this justification will be provided with the solicitation to all appropriate NASA SEWP V GWAC holders. Furthermore, in accordance with FAR 5.301, 16.505(b)(2)(ii)(D), and 16.505(a)(4)(iii), the award notice for this action will be synopsisized on the Federal Business Opportunities website and this 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 market place that would enable future actions to be competed.

8. Market Research: VA's technical experts conducted market research during January 2018 by reviewing similar hardware and software products to ascertain if other brands could meet VA's functional and technical requirements. While other VoIP hardware and software solutions from alternative manufacturers exist, they do not meet VA's requirements because only Cisco or an authorized reseller has access to the proprietary database and structure specific to the expansion requirement to interconnect with the voice systems currently in place. Therefore, at present, there is no other hardware or software available in the market place that can meet this requirement. Also, VA networking Subject Matter Experts regularly review industry trade publications and conduct internet research to ascertain if any other brand name hardware or software 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 software can meet all of the VA's needs.

The Contract Specialist (CS) conducted market research in July 2018 by using the NASA SEWP V GWAC Provider Lookup tool to determine what vendors are capable of meeting the requirement. Based on this market research, the CS found multiple service-disabled Veteran-owned small businesses (SDVOSB) resellers under SEWP V capable of meeting the full requirement.

9. Other Facts: None.