

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 to be issued under a National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for the procurement of brand name Avaya hardware to enhance the Veterans Integrated Service Network (VISN) 5 Southern Prince George's Community Based Outpatient Clinic (CBOC), Charlotte Hall CBOC, Community Resource and Referral Center (CRRC) and Southeast CBOC connection to the Veterans Crisis Line.

3. Description of the Supplies or Services: VA, Office of Information and Technology, Service Delivery and Engineering, Unified Communications Infrastructure Support, VISN 5 Washington, DC Area has a requirement for brand name Avaya hardware. This requirement is to enhance its current Private Branch Exchange (PBX) systems at multiple Community Based Outpatient Clinics and Vet Centers and the ability to transfer caller information to the Veterans Crisis Line located at Canandaigua, New York. This equipment shall integrate into the Avaya Communications System infrastructure currently set up and in operation across this VISN 5 Washington, DC Area sites, to include Southern Prince George's CBOC, Charlotte Hall CBOC, CRRC and Southeast CBOC. All hardware shall be delivered within 30 days of award. The Contractor shall provide a 12- month warranty on all delivered hardware.

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) Paragraph 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 was determined that limited competition is available among authorized resellers for the required brand name Avaya hardware. VISN 5 Washington, DC Area currently has a Voice Over IP (VoIP) infrastructure in operation at all locations utilizing the Avaya telephony platform. The hardware being purchased must be interoperable and compatible with the Avaya telephony platform. 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 equipment which allows communication directly with the VA network. Avaya and its resellers are the only providers of the required Avaya hardware that can integrate with the currently installed

Avaya platforms due to the proprietary data required to operate the Avaya platforms. Purchasing telecommunications hardware 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 due to the proprietary data that is required to operate the Avaya platforms. Only Avaya certified technicians possess the technical expertise in Avaya equipment and have access to the sole source proprietary data. The current infrastructure is Avaya Call Server branch office at multiple locations throughout VISN 5 Washington, DC Area. The Avaya hardware is needed to upgrade the existing equipment with additional Avaya hardware to meet the current needs of the VA. Due to the fact that the infrastructure is based off the Avaya CS PBX architecture the T1 cards, clock controllers, analog cards and licensing will need to be Avaya since only Avaya products are compatible and interoperable with the existing Avaya infrastructure. Hardware that is compatible with the existing infrastructure protocols and functionality is essential for continued operational availability. Failure to purchase the required equipment would result in degradation of voice services; leading to work stoppages and an interruption of patient care jeopardizing the VA's overall mission to serve Veterans.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the award notice for this action will be synopsized within 14 days of award on the Federal Business Opportunities Page along with a copy of this justification. In addition, this justification shall be posted to NASA SEWP V GWAC website with the solicitation for consideration by prospective offerors.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would allow other brand PBX hardware to be interoperable with the Avaya telephony platform, thus enabling future actions to be fully competed.

8. Market Research: In August 2018, the Government's technical experts reviewed similar hardware and software products to ascertain if these items could meet, or be modified to meet, VA's requirements. Specifically, the Government's technical experts reviewed other similar brands of hardware from NEC and Mitel, however none of these products were found to work in the current Avaya infrastructure due to the proprietary constraints discussed in section 5 of this document. Although other vendors possess similar capabilities to provide the required equipment, only Avaya's hardware can interoperate with the existing Avaya telephony platform due to the integration required with the current proprietary equipment in use within the current VISN 5 infrastructure. Based on these efforts, the Government has determined that currently, only the specified Avaya's products can meet the stated VISN 5 Washington, DC Area currently VoIP infrastructure requirements. Additional market research was conducted in August 2018 by the Contract Specialist by utilizing the Provider Lookup tool on the NASA SEWP V GWAC website which identified numerous resellers of the required Avaya solution including 20 prospective Service-Disabled Veteran-Owned Small Business (SDVOSB) GWAC holders. As a result, there is a reasonable expectation that limited competition exists on the NASA SEWP V GWAC for the brand name Avaya hardware solution.

9. Other Facts: N/A