

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Procurement Acquisition and Logistics (OPAL)
Technology Acquisition Center
23 Christopher Way
Eatontown, NJ 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 Government Wide Acquisition Contract (GWAC) for the procurement of upgrades and maintenance support for Spok Care telecommunication software.
3. Description of the Supplies or Services: The proposed action is to provide Spok Care Connect Suite telecommunications software upgrades, maintenance support, and associated services to include installation, configuration, database migration and training. Services shall be performed onsite at two (2) locations, the Michael E. DeBakey VA Medical Center (MEDVAMC), 2002 Holcombe Blvd, Houston, TX 77030 and the Gulf Coast Veterans Health Care System, (GCVHCS), 400 Veterans Avenue, Biloxi, MS 39531. VA originally contracted for Amcom Intellidesk IntelliSuite 7.6 telecommunications software to maintain continuous communications with medical staff which is critical to providing telephone services to Veterans and others who need to call into the medical centers. In 2014, Amcom merged with USA Mobility and rebranded into what is now Spok. As a result, brand-name Amcom Intellidesk IntelliSuite 7.6 is now considered to obsolete and must be upgraded to Spok Care Connect. This purpose of this requirement is to procure this upgrade, associated services and maintenance support. [REDACTED]
4. Statutory Authority: The statutory authority permitting exception to fair opportunity is Section 41 U.S.C 4106(c)(2) as implemented by 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 was determined that limited competition is available among authorized resellers for this requirement. After conducting extensive market research for providers of telecommunication software to upgrade the current Amcom Intellisuite 7.6, only Spok was identified as being capable of meeting the medical center's requirements, which include Paging and Park & Retrieval capabilities, and Directory Import/Export to assist the visually impaired in performing their duties by integrating with the JAWS software and providing connectivity to visually impaired keyboards. No other software is capable of providing the required functionality while ensuring compatibility with JAWS or other visually impaired software. Spok is the only software that is interoperable and compatible with the existing infrastructure, specifically, the existing Amcom Intellisuite 7.6 licenses already in place. No other

brand can provide the interoperability with existing licenses, without disrupting office productivity. Use of any other brand name software would require this existing infrastructure to be replaced, which would result in extensive duplicate cost and disruption of service that would not be recovered through competition. In addition, utilizing software other than Spok would require a complete code rewrite of Amcom Intellisuite 7.6 transport control protocols already in place, enabling paging functionality over a secure port. Finally, Amcom Intellisuite is currently end of life and will no longer be supported by Spok. Failure to upgrade the software and new maintenance will inhibit hospital operators ability to page and recall doctors for emergency care.

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. It was determined, however, that limited competition is anticipated among authorized resellers for this brand name Spok software on the NASA SEWP V GWAC. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will not be synopsisized at award on the Federal Business Opportunities Page as the total value of this effort is below the simplified acquisition threshold. In accordance with 16.505(a)(4)(iii)(A), this Justification for an Exception to Fair Opportunity will be posted on the NASA SEWP V website with the solicitation.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to perform additional market research so that other solutions can be considered.

8. Market Research: In July 2018, the Government technical experts conducted market research to determine if there are viable sources other than Spok Care who could provide the needed communications software solution needed for this requirement. Competitors such as Voalte, PerfectServe and Vocera were analyzed. Although other sources possess similar capabilities to provide the required communication software, only Spok, or an authorized reseller, integrates with the PBX and JABRA software to provide a visually impaired employees access to the telephone directory and paging system. In addition, only Spok has the proprietary source code necessary to ensure interoperability with current VA Amcom Intellisuite 7.6 software application; therefore these other vendors are not able to provide a product that is compatible with existing software.

Additional market research was conducted on August 1, 2018 by issuing a Request for Information (RFI) on the NASA SEWP V GWAC to determine whether brand name Spok software is available from resellers that hold NASA SEWP V contracts. The RFI resulted in responses from two (2) Vendor Information Pages (VIP) verified Service Disabled Veteran-Owned Small Business (SDVOSB) sources, RedHawk IT Solutions and Epoch Concepts. Additional market research was also conducted by utilizing the NASA SEWP V GWAC Provider Look-up Tool which confirmed that there are three (3) federal registered partners for Spok Care on the NASA SEWP V GWAC, including two (2) verified VIP SDVOSB sources. Based on the analysis of the responses, there is a reasonable expectation that limited competition exists on the NASA SEWP V GWAC for

the required Spok licenses and associated services. Finally, the Government's technical experts contacted Spok July 2018, to inquire whether its source code was for sale. Spok confirmed that the source code is proprietary and not for sale

9. Other Facts: None.

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