

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Procurement Acquisition and Logistics
Technology Acquisition Center (TAC)
23 Christopher Way
Eatontown, NJ 07724
2. Description of Action: The proposed action is for the award of a firm-fixed-price delivery order under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for brand name NEC telecommunication equipment and software licenses.
3. Description of the Supplies or Services: VA, District 2, Veterans Integrated Service Network (VISN) 8, Tampa Veterans Affairs Medical center (VAMC), Office of Information Technology requires NEC Private Branch Exchange (PBX) telecommunication equipment and installation services to support FUSION Network capabilities that will interconnect with the existing PBX systems at the Tampa, Florida VAMC and Primary Care Annex, which is currently comprised of standard NEC PBX systems and phones. The NEC FUSION network provides a link, between each node in the network, allowing every system to communicate directly with all other systems within the network. The current telecommunication equipment consists of combinations of various NEC telephones and telephony system components that are proprietary to the existing NEC telephony infrastructure system, components and software licenses. NEC telecommunication equipment will help VA optimize care, increase productivity, enhance sustainability, and improve disaster resistance by providing voice modules that will allow existing routers to deliver voice services by providing the necessary voice components. NEC telecommunication equipment will also provide a means of communications with emergency responders such as operators, police and fire department. The proposed action requires NEC equipment that will work in conjunction with the current NEC SV-9500 system in place. This action shall also acquire all installation and programming of the NEC FUSION Network interface. Delivery, installation, and configuration shall be completed within 90-days of contract award followed by the manufacturer's standard warranty on all equipment provided.
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) Subpart 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 for the aforementioned NEC brand name PBX devices among NASA SEWP value added resellers. The Tampa VAMC currently uses an NEC SV-9500 PBX for all phone service. This equipment is a hybrid system capable of providing Time-Division Multiplexing phone service by integrating the existing NEC equipment and network. NEC equipment provides the benefits of SV-9500 to see the person(s) or patient(s) with

whom one is talking, including call recording, automatic call distributor (ACD), emergency rollover dial tone, and emergency rollover dial tone.

Furthermore, NEC brand name devices are the only PBX items that can continue to build upon Tampa Catchment area's existing NEC-based telecommunications infrastructure. The telephonic devices and systems currently implemented within the Tampa Catchment area are manufactured by NEC and run on its proprietary NEC FUSION Network. The telecommunication system integrates with the NEC FUSION Network to use an ACD processor from an alternate node for ACD purposes. ACD integration allows callers to seamlessly transfer from site to site. All ACD data is monitored by VA's Global Navigator system, which allows for call statistics, advanced routing abilities, and data used for staffing purposes. Tampa Catchment area's current telecommunications system communicates through source code that is based on NEC's proprietary data. Any other brand name telecommunications device is not able to integrate with the currently fielded NEC brand name telecommunication equipment and VA's Global Navigator system. Without this interoperability, the PBX devices will not perform their intended functions and will not allow callers to seamlessly transfer from site to site. This will lead to network delays and interoperability issues, leading to work stoppages and erosion in supporting VA's overall mission to deliver healthcare and benefits to Veterans. Additionally, only NEC or an authorized reseller can provide the installation services and warranty services due to the proprietary technical data required to perform those services. Without that proprietary technical data, no other source can install the items and configure them to operate within the current infrastructure which consists of NEC brand name equipment. Based on the above, only NEC brand name equipment can meet the Government's requirements.

6. Efforts to Obtain Competition: Market research was conducted, the 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 viable among authorized resellers for NEC brand name PBX devices and warranty. In accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation to all appropriate NASA SEWP V GWAC holders. Furthermore, in accordance with FAR 5.301 and FAR 16.505(b)(2), notice of award of the resulting order 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: The Government's technical team searched for comparable hardware on the internet to determine if any other brand name hardware could meet VA's functionality requirements, including industry hardware and associated warranty/maintenance solutions. No other suitable solutions were found without substantial increase in cost to replace existing systems to make this addition.

Additional market research was conducted by the Contract Specialist on August 16, 2018 by utilizing the NASA SEWP V GWAC Market Research Tool. The search yielded 112 authorized resellers for NEC products on the NASA SEWP V GWAC, of which eighteen (18) are in Group B(2), Service-Disabled Veteran-Owned Small Businesses (SDVOSB) offering NEC brand name products. There is a reasonable expectation that limited competition exists on the NASA SEWP V GWAC amongst Group B(2) SDVOSB concerns for the NEC equipment required.

9. Other Facts: None

10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

Oscar Young

Date: _____

Implementation Manager Signature: _____

11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable. All products on the NASA SEWP GWAC have already been determined to be fair and reasonable by the NASA SEWP Program Office. Additionally, as there are multiple potential resellers on NASA SEWP, further price competition is anticipated. Finally, if only one quote is received, the proposed price will be compared to the Independent Government Cost Estimate.

Peter Lewandowski

Date: _____

Procuring Contracting Officer Signature: _____

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$700,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

Peter Lewandowski

Date: _____

Procuring Contracting Officer Signature: _____