

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 the award of a brand name 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 brand name Cisco hardware and software.
3. Description of the Supplies or Services: VA, Office of Information and Technology, Service Delivery and Engineering, Unified Communications Infrastructure Support (UCIS), Region 4 requires brand name Cisco Voiceover Internet Protocol (VoIP) Phones and Local Area Network/Wide Area Network (LAN/WAN) Switches with associated hardware and software to replace its current Private Branch Exchange (PBX) systems at multiple Community Based Outpatient Clinics and Vet Centers which are at the end of life and out of warranty. This equipment shall integrate into the Cisco Unified Communications System (UCS) VoIP system infrastructure currently set up and in operation across all Region 4 sites. All hardware and software shall be delivered within 30 days of award. The Contractor shall provide a 12-month warranty from date of delivery on all delivered hardware. The total estimated price of the brand name Cisco VOIP Phones and LAN/WAN Switches is [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) 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 Cisco VOIP Phones and LAN/WAN Switches with associated hardware and software. Region 4 currently has a VoIP infrastructure in operation at all locations utilizing the Cisco Unified Computing System (UCS) platform. The hardware and software being purchased in the procurement must be interoperable and compatible with the Cisco UCS platform. Cisco is the only brand name hardware and software that is interoperable with the current infrastructure. The current infrastructure is integrated through a VoIP Media Gateway Control Protocol (MGCP) that can only interface with Cisco hardware and software. Due to the fact that the MGCP is a master/slave protocol created by Cisco, the voice gateway, which is also the Cisco router, would only allow Cisco hardware to use its port for telephony purposes. Hardware and software that is compatible with the existing infrastructure protocols and functionality is essential for continued operational

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availability. If the VA attempted to install any other brand PBX hardware and software it would result in network delays, packet loss, and dead air; leading to work stoppages and an interruption of patient care jeopardizing 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 and software to be interoperable with the Cisco UCS platform, thus enabling future actions to be fully competed.

8. Market Research: In February 2018, The Government's technical experts conducted market research which consisted of a review of similar hardware and software VoIP and LAN/WAN products to ascertain if these items could meet, or be modified to meet, VA's need to interoperate with the current PBX infrastructure. Specifically, the Government's technical experts reviewed other similar brands of hardware and software from Avaya and Juniper Networks, however none of these products were found to work in the current Cisco infrastructure due to the proprietary constraints discussed in section 5 of this document. Only Cisco's hardware and software can interoperate with the existing Cisco UCS platform due to the integration required with the current MGCP in use within the current infrastructure.

Additional market research was conducted by the Contract Specialist in February 2018 by utilizing the NASA SEWP V Provider Lookup Tool to determine whether the brand name Cisco VoIP Phones and LAN/WAN Switches are available from NASA SEWP V GWAC holders. It was determined that there are multiple authorized resellers available on the GWAC, including 17 Service-Disabled Veteran-Owned Small Businesses that are verified in the Vendor Information Pages (VIP) database within Group B(2). Therefore, there is reasonable expectation that limited competition exists on the NASA SEWP V GWAC among SDVOSB value added resellers. Finally, the requirements discussed herein have been found to be within scope of the NASA SEWP V GWAC in a separate determination.

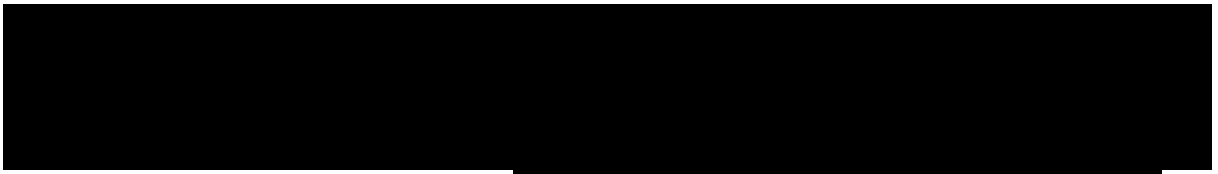
9. Other Facts: N/A

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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.



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 based upon price competition at the reseller level. Additionally, contracts awarded on the NASA SEWP V GWAC have already been determined to be fair and reasonable.



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 \$700,000.00, the certification below required by FAR 16.505 (b) (2) (C) (1) serves as approval.

