

JUSTIFICATION AND APPROVAL
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
260 Industrial Way West
Eatontown, New Jersey 07724
2. Description of Action: The proposed action is for a firm-fixed-price (FFP) Delivery Order (DO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC) for Cisco and Uplogic brand name hardware and software to support the expansion and maintenance of the existing Enterprise Video Teleconferencing Network (EVTN) infrastructure and build the Enterprise Systems Engineering (ESE) testing laboratory. Additionally, a one year support warranty is required for the aforementioned Cisco and Uplogic brand name hardware and software.
3. Description of Supplies or Services: The EVTN infrastructure provides the capability to allow any video device in the VA network architecture to communicate with any other video device. The number of video devices is projected to double by the end of Fiscal Year (FY) 12. This proposed action includes the purchase of additional hardware and software to support the expansion and capabilities of the existing video network. Failure to procure additional capacity for EVTN infrastructure will impede, or seriously degrade, VA's ability to support the Telehealth Initiative. This initiative is one of the Secretary's major initiatives to improve Veterans' access to healthcare. Specifically, the Cisco hardware and software being procured under this proposed action consists of Cisco Video Communication Servers (VCS); Cisco Content Servers, both upgrades and new devices; and Cisco Media Content Engine, for management of recordings. The Cisco brand name hardware and software required includes a one year warranty with Cisco SMARTnet Service, which provides troubleshooting support, 8x5xNext Business Day (NBD) advanced hardware replacement, and ongoing Cisco software operating system support. The 8x5xNBD advanced hardware replacement package includes technical support that is available 24x7, advanced hardware replacement that is available eight hours per day (delivering the replacement hardware during normal business hours only), five days a week, with NBD delivery. Cisco software support under this warranty includes access to both minor and major releases within the licensed feature set for the warranty period of one year. Delivery of all Cisco software licenses shall be within 10 days after receipt of order and the delivery for the hardware shall be within thirty days after receipt of order. Additionally, Uplogic 3200 units with associated software and maintenance will be procured. The required maintenance agreement for the Uplogic 3200 units will cover all

hardware failures as well as provide one year of engineering support and software upgrades.

4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is 41 U.S.C. 4106(c) 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 extensive market research, as described in paragraph eight of this document, it was determined that limited competition is available for the aforementioned brand name items and services. Market research revealed that Cisco hardware and software is the only brand hardware and software that can be added to VA's EVTN infrastructure without disrupting the existing EVTN infrastructure. The existing EVTN infrastructure and network management platform currently in place is based on a Cisco brand name platform. Similar platforms and equipment, such as those available from Polycom, Lifesize, and Sony, are not interoperable or compatible with VA's existing Cisco based equipment. The use of any other product will severely degrade the ability to support and manage the existing EVTN infrastructure's hardware and software which will result in interoperability and compatibility issues. The interoperability issue is due to the incompatibility of the underlying firmware (Cisco proprietary source code) which limits managing devices to their full capabilities as well as system license keys which are only available and applicable to the specific Cisco branded devices. This proprietary source code allows the currently fielded Cisco hardware and software to communicate with only additional Cisco brand name items. Furthermore, the use of any other hardware and software would also require a complete replacement of the currently fielded Cisco brand name hardware and software utilized on the EVTN infrastructure due to lack of interoperability and compatibility. This replacement effort would result in extensive delivery delays and duplicated costs that would not be recovered through competition. Additionally, a one year warranty is required for the aforementioned Cisco brand name hardware and software. Only Cisco or an authorized reseller can provide the aforementioned warranty on Cisco brand name products.

Market research revealed that Uplogic 3200 is the only product available that will provide the capability for ESE engineers to properly remotely manage the networking devices in the ESE lab located in Pittsburgh, Pennsylvania. This is a critical piece of equipment for ESE to be able to connect to and test multiple network designs and solutions. This device includes necessary 16 asynchronous serial connections as well as 16 Ethernet ports. The asynchronous ports provide the connectivity for "out-of-band" management into the lab. The Ethernet ports provide direct connections for backing up

device configurations using its built in Trivial File Transfer Protocol (TFTP) server. This is also critical to be able to have a mechanism to backup and restore device configurations in the event of a failure. No other products could provide the dual functions (ASYNCR and Ethernet ports with TFTP Server) that are required for this lab. The Uplogic 3200 provides the performance and stability that is required to remotely manage all devices at the ESE Laboratory.

6. Efforts to Obtain Competition: Market research was conducted, details of which are contained in the market research section of this document. Based on this research, it was determined that limited competition is anticipated for the required brand name hardware and software. Although the Government is limiting competition as a result of specifying these brand name items, there are multiple authorized resellers of the brand name items on the NASA SEWP IV GWAC. Additionally, this Justification and Approval (J&A) and the Request for Quotation (RFQ) will be submitted to all four NASA SEWP IV GWAC groups in order to fully notify all interested parties. Any proposals received will be evaluated. Furthermore, in accordance with FAR 5.3, the contract award will be synopsisized on the Federal Business Opportunities (FBO) Page. In addition, this J&A will be made publicly available on the FBO Page.
7. Actions to Increase Competition: In order to remove or overcome barriers to competition in the future, the program office will continue to perform market research so that other solutions can be considered.
8. Market Research: Market research was conducted in June 2012 by the Government's technical video network engineers utilizing the NASA SEWP IV GWAC Product Verification and Manufacturer Lookup tool to determine if there were viable products from other manufactures that can meet VA's requirement. VA's technical video network engineers reviewed similar Cisco equipment and network platforms from Polycom, Lifesize, and Sony. However, these other video network platforms and equipment cannot meet VA's needs as they are not fully interoperable and compatible with the current equipment used with the EVTN infrastructure. The Uplogic's 3200 provides a TFTP server, storage capacity and ethernet ports for backing up device configurations along with the standard Async ports for connecting and managing devices. Other vendor's solutions were considered but both Cisco's access servers and Lantronix's SecureLinux devices do not provide all the features in a single platform. Uplogic 3200 provides all these features in a single device. Based on this market research, only Cisco and Uplogic brand name hardware and software can meet all of VA's needs to support the expansion and maintenance of the existing EVTN infrastructure. Furthermore, a Request for Information (RFI) was issued in June 2012 to all NASA SEWP IV GWAC holders. Vendors were asked to indicate if they could provide one or both of the brand name items. Four responses were

received from the following vendors: ImmixGroup (Large Business), Iron Bow Technologies (Large Business), Microtech LLC (Large Business), and World Wide Technologies (Large Business). ImmixGroup stated that it could only provide one of the brand names; however, the remaining three vendors are able to provide both brand names. As at least three vendors are capable of providing both brand name items, splitting the requirement into two separate procurements is not required to achieve competition. In addition, as none of the four respondents are small businesses, there is no socioeconomic benefit to separating the brand names into separate procurements. Therefore, both brand names will be procured under this requirement. Based on the above RFI results, the procurement will be open to all four groups to ensure maximum competition.

9. Other Facts: None.