

JUSTIFICATION AND APPROVAL  
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, NJ 07724
  
2. Description of Action: The proposed action is for a firm-fixed price delivery order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for the procurement of Cisco Switching Equipment.
  
3. Description of Supplies or Services: VA Office of Information and Technology, Information Technology Operations and Services on behalf of the VA Office of Electronic Health Record Modernization (OEHRM) located at 811 Vermont Ave. NW, Washington, D.C. 20420 has a requirement for Cisco Catalyst Switching Equipment, standard warranties, incidental hardware and firmware to support the migration of VISN 20 Wave 1-3 sites from the Veterans Health Information Systems and Technology Architecture to the new Electronic Health Record (EHR). OEHRM is securely connecting VA medical centers and clinics to the Cerner data center where the EHR solution is being hosted. The hosting environment is jointly managed by the Department of Defense (DoD) and VA. This equipment will integrate with the existing technologies already in use throughout VA and the DoD, and will establish network communications within this DoD/VA hosting environment. All Cisco Hardware shall include standard 1-year warranty coverage that includes Next-Business-Day delivery of replacement hardware where available and 90 days of 8x5 Cisco Technical Assistance Center Support. The Cisco hardware shall be delivered within 30 days of receipt and processing of the order. The period of performance consists of 1-year standard warranty coverage. The total estimated price for the proposed action is [REDACTED]
  
4. Statutory Authority: Pursuant to Federal Acquisition Regulation (FAR) Subpart 16.505(a)(4), the following brand name requirement is being justified and approved as an exception to fair opportunity under the statutory of 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 the market research described in section 8 of this justification, it was determined that limited competition is available among authorized resellers for the required Cisco Switching Equipment, incidental hardware, firmware, and warranty support the expansion of the DoD/VA security stack system. Currently, Cisco Switching Equipment is

installed throughout hosting environment. Therefore, the Cisco Switching Equipment required under this effort must be able to integrate with the existing technologies already in use throughout the VA and DoD in order to establish network communications within this DoD/VA hosted environment. Therefore, it is vital that any equipment procured through this action maintains compatibility and interoperability with the existing Cisco equipment. Due to VA's current infrastructure, no other Original Equipment Manufacturers' Switching Equipment can meet the Government's compatibility and interoperability requirements because no other source has access to Cisco's proprietary database and structure which provides for the compatibility and interoperability with the existing infrastructure. This is due to Cisco's proprietary equipment design. Cisco is the only manufacturer that creates the components compatible with the existing VA-owned Switching Equipment. VA does not possess the proprietary technical knowledge on hardware components of other brand equipment, required to maintain and upgrade the telecommunications network infrastructure in use. The procurement of alternate Switching Equipment, other than those manufactured by Cisco, would not be interoperable with the critical components of the existing VA infrastructure, therefore not fulfilling the requirement of the DoD/VA hosting environment. Accordingly, no other source is capable of providing the required Cisco components that meet the VA's unique functional requirements. The compatibility and interoperability issues would require VA to purchase an entirely new Cisco system rather than expand on the existing infrastructure. Failure to purchase this equipment would result in an inoperable networking system, which could inhibit critical communications within the VA/DoD hosting environment thus inhibiting access to medical records, resulting in inefficient health care that could potentially be life threatening.

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. However, it was determined that limited competition is viable among resellers for these brand name items. In accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation to all interested NASA SEWP V GWAC holders. In accordance with 16.505(b)(2)(ii)(D), this action will not be synopsisized and the justification will not be made publicly available within on the Federal Business Opportunities Page because the total estimated price is less than the simplified acquisition threshold.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would enable future actions to be competed, and/or VA development environments that would enable future requirements to be executed utilizing salient characteristics and not limited to a particular brand name.

8. Market Research: VA technical personnel conducted market research in July 2019, which consisted of a review of similar products, including Hewlett Packard Enterprise/Aruba, Brocade, Juniper, and Avaya. As a result of the market research, the technical personnel determined that no other product was compatible and

interoperable with the existing VA network because only Cisco or authorized resellers has access to the proprietary database and structure specific to the expansion requirement to integrate within the existin DoD/VA hosted environment. Therefore, at present, there is no other hardware available in the market place that can meet the compatibility and interoperability requirements as no other contractor has the capability of developing interoperable equipment that can be utilized without a full system renovation or replacement. Based upon the above, the Government technical experts have determined that only the aforementioned Cisco brand name hardware can meet all of the VA's needs.

Additional market research was conducted by Government representatives in July 2019 by using the NASA SEWP V GWAC Provider Lookup and Market Research which resulted in the identification of multiple authorized resellers of the required brand name Cisco Switching Equipment, incidental hardware, incidental software, and warranty support. As a result, there is reasonable expectation that competition exists on the NASA SEWP V GWAC for the brand name Cisco hardware.

9. Other Facts: None.

