

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, 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 Governmentwide Acquisition Contract (GWAC), for the Yorktel policy server solution.

3. Description of the Supplies or Services: The Department of Veterans Affairs (VA), Office of Information & Technology, ITOPS Solution Delivery (SD), Enterprise Video Conferencing Service (EVCS) section has a requirement for 1 brand name Yorktel Policy Server solution with maintenance and support. Endpoint Engineering is expanding core infrastructure that will support the Board of Veterans Appeals Enterprise expansion deployment within the Trusted Internet Connection (TIC) gateways at the following datacenters:

North-Chicago, IL  
South-Dallas, TX  
East-Sterling, VA  
West-San Jose, CA

The Yorktel Policy servers are a complete solution designed by Yorktel that consist of integrated software to interconnect with the EVCS management system. This requirement is to provide policy integration and a single pane of glass call scheduling solution with the existing enterprise video architecture and current Yorktel Univago and iObserver platforms. This effort will expand the EVCS capability to support Board of Veterans Appeals (BVA) scheduling of telehearings.

This effort shall include Yorktel maintenance and support under a one (1) year warranty to identify security vulnerabilities and defect resolutions, while ensuring all existing and newly added hardware runs efficiently. Yorktel Warranty/Maintenance Support shall be provided by the contractor as specified below:

- 1) The required maintenance support services shall provide the VA with 9 hours a day, 5 days a week 8:00 AM EST to 5:00 PM EST maintenance support, software updates, patches and vulnerability fixes.
- 2) Direct Access to Tier 2 / Tier 3 support or a support number dedicated to Government agencies; that is not the same as "General Public Support".

The standard warranty support shall begin on the first day following the date of the government's test and acceptance and continue for 1 year. The period of performance (PoP) shall be 12 months from date of award, with three 12-month option periods for the

continuation of the maintenance support as VA anticipates the use of the servers for the next four years. The total estimated price of the proposed action is [REDACTED] including options.

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 authority of Section 41 U.S.C. 4106(c)(2) as implemented by 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 8 of this document, it was determined that limited competition exists among resellers of the Yorktel for this procurement. Only brand name Yorktel policy server solution and software, along with installation, scheduling integration, maintenance, and technical support can meet the Government's technical requirements for expanding the existing infrastructure within the Trusted Internet Connection (TIC) North/South/East/West Datacenters.

Only brand name Yorktel policy server solution provides compatibility and interoperability with the existing Univago and iObserver video solution currently in place across the VA Enterprise. The solution is certified compatible with the Department of Veterans Affairs existing Univago HE infrastructure and Univago HE endpoints in Telehealth and ICU environments and fully interoperable with Philips eCareManager Version 4.X or greater. The Yorktel solution is also certified compatible with Department of Veterans Affairs existing Univago HE iObserver Platform and Endpoints. The solution also takes into account the way in which the above mentioned platforms pre-reservation solution of Virtual Medical Rooms (VMR) with respect to the monitoring and Tele-ICU clinical workflows.

Provides native support for SIP/AS-SIP and H.323, including full bi-directional content using BFCP (for SIP connections) and H.239 (for H.323 connections). The compatibility and interoperability issues would prove impractical from a technical, warranty and operational standpoint, since it would require VA to significantly rework its current video management solution rather than integrate with current solution. No other brand name software is interoperable or compatible with the existing software due to the proprietary code that the software communicates through with respect to the pre-reservation of iObserver and Tele-ICU VMRs. Use of any other brand name software would not be able to take into account and communicate with the existing software and would result in having to replace all the existing video enterprise architecture. This would result in extensive delivery delays and duplicated costs that would not be recovered through competition. These estimates are based on previous similar efforts. Also, other manufacturers do not have the proprietary source code and hardware necessary to provide the required installation and scheduling integration, maintenance and support of all scheduling solutions.

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 viable among resellers for brand name Yorktel hardware, software components, as well as maintenance support services. 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 FAR 5.301 and FAR 16.505(b)(2)(ii)(D), notice of award of the resulting order will be synopsisized and this justification will be made publicly available within 14 days after award on the Federal Business Opportunity website. In addition, 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 Government technical experts will continue to perform market research to determine if there are any new products or maintenance services available that will fulfill the Government's need.

8. Market Research: The Government's technical experts performed market research during August 2019 by researching other similar solutions (online and through market literature) to learn if other brand items could meet and be compatible with VA's existing video enterprise architecture. Specifically, the Government's technical experts conducted web-based research and reviewed similar products from Cisco, Avaya, and TrueConf. As a result of the market research, the technical experts confirmed that although the other companies' products provide similar capabilities, no other products will support VA's existing infrastructure protocols, interoperability, and compatibility requirements as outlined in Section 5 of this Justification. Based on this market research, the Government's technical experts have concluded that only the Yorktel Policy Server brand name hardware and software will meet the VA's requirements.

Additional market research was conducted by the Contract Specialist (CS) in September 2019 utilizing the NASA SEWP V Provider Lookup Tool. The search identified Service-Disabled Veteran-Owned Small Business resellers of brand name YorkTel on the NASA SEWP V GWAC. Therefore, there is a reasonable expectation that limited competition exists on the NASA SEWP V GWAC.

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.

[Redacted]

Date: [Redacted]

Program Manager

Signature: [Redacted]

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 on anticipated competition and discounts among multiple value added resellers of the required brand name software and comparison to the Independent Government Cost Estimate. Finally, pricing of products awarded under NASA SEWP V GWAC have already been determined to be fair and reasonable.

[Redacted]

Date: \_\_\_\_\_

Procuring Contracting Officer

Signature: [Redacted]

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.

[Redacted]

Date: \_\_\_\_\_

Procuring Contracting Officer

Signature: [Redacted]