

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

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 firm-fixed-price brand name Cisco Systems, Inc.'s (hereinafter referred to as Cisco) Business Critical Enterprise Service Agreement (CBCESA) that will provide Cisco SmartNet Total Care Service (SmartNet), Business Critical Services, Collaboration Flex Services, and technical support services for the VA enterprise network infrastructure consisting of Cisco networking, telephony, TelePresence, Unified Communications and Unified Computing devices and applications deployed throughout VA
3. Description of Supplies or Services: This action is required to renew brand name Cisco maintenance and support services for the VA enterprise network infrastructure that expires September 30, 2019. The objective is to continue support for the VA Office of Information and Technology managed Cisco equipment and applications worldwide with a single, cohesive CBCESA that will provide the required support services. VA has a significant investment in production networking, video (TelePresence), and unified computing infrastructure consisting primarily of Cisco systems equipment and associated software. In fact, VA has more than 525 000 Cisco devices in its network, TelePresence, and Unified Computing infrastructure that requires Cisco SmartNet and Business Critical Services Support. Cisco SmartNet and Business Critical Services are proactive and reactive technical support services that provides anytime access for VA staff to Cisco engineers and Cisco.com resources to resolve critical operational issues related to Cisco Networking, Telephony, Unified Communications, TelePresence, and Unified Computing (server and converged virtualization) devices and applications. In addition, Cisco SmartNet provides the following support for all covered products: registered access to Cisco.com for online technical assistance; software updates and support on devices and licensed operating system software, including all maintenance, minor, and major releases; access to the Cisco Technical Assistance Center 24 hours/day, 7 days/week; equipment firmware updates; and advanced warranty replacement exchange of failed hardware either by next business day or 24 hours/day, 7 days/week, 4-hour delivery, depending on the type of equipment and its criticality to VA business operations. Cisco Business Critical Services provides support for network and system optimization consisting of in-depth design support software strategy, performance engineering and optimization, knowledge transfer and mentoring service modules. The CBCESA also provides Collaboration Flex Services supporting Enterprise Calling (Webex, Webex Teams), Enterprise Contact Centers-Unified Contact Center Enterprise (UCCE), Meetings for Active Users and Meetings Audio Options. UCCE is unified communications system/platform that provides the contact/call center support that facilitates VA healthcare and benefits programs, such as hotlines for benefits, suicide prevention, medical care and the

White House VA Hotline. VA requires Collaboration Flex-Services to access Cisco contact center product support and services and provide critical support to the VA in its primary mission to provide Veteran's health care and benefits. VA requires that specific skills, practices, and capabilities be available to the end user community above and beyond basic entry level skills to maintain and support the VA enterprise network infrastructure. This proposed action is only for services and ancillary items necessary to provide support services for licensed software and purchased devices. No new software or devices will be procured under this contract. The period of performance (PoP) for this action includes a 12-month base period plus four 12-month option periods, if exercised. VA anticipates utilizing the existing Cisco networking, telephony, TelePresence, Unified Communications, and Unified Computing devices and applications that require support for at least five years and therefore requires this PoP length. Accordingly, support is required to ensure the continuity, sustainability and reliability of the infrastructure. The total estimated value of this action, inclusive of options, is [REDACTED]

4. Statutory Authority: The statutory authority permitting other than full and open competition is 41 U.S.C. 3304(a)(1) as implemented by the Federal Acquisition Regulation (FAR) 6.302-1(c) entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

5. Rationale Supporting Use of Authority Cited Above: Based on market research as described in Section 8 of this document, it has been determined that limited competition is available for this procurement. VA's networking, TelePresence, and unified computing infrastructure primarily consists of Cisco devices and associated software that requires Cisco SmartNet, Business Critical Services Support, Collaboration Flex Services, and technical support services to maintain the integrity, reliability and operability of the devices and software. Due to the proprietary nature of the Cisco equipment and software, no other brand name support service provider has the proprietary data to perform the necessary support services. Cisco owns the intellectual property rights to the Cisco network infrastructure devices and software, including Cisco networking, telephony, TelePresence, Unified Communications, and Unified Computing devices. Market research revealed that Cisco is the only brand of software that can be added to the VA's enterprise network infrastructure without disruption. VA requires that each system operating on VA's network, which consists primarily of Cisco devices and software, has the most current support updates to defend against potential operational impacts, while also requiring fully interoperable equipment and software replacements in the event of a specific application failure. Without Cisco SmartNet Maintenance, Business Critical Services, Collaboration Flex Services, and technical support services, critical security and operational updates to VA's installed base of Cisco networking, telephony, Unified Communications, TelePresence, and Unified Computing devices and applications will be eliminated, thereby, placing the sustainability and reliability of VA data-connected services at high risk. VA is not replacing its current Cisco infrastructure. Replacement of the Cisco infrastructure would result in extensive delays of a minimum of five years and duplicated costs in excess of \$708 million that would not be recovered through

competition. These estimates are based on similar efforts to procure the devices and software. Only Cisco or its authorized resellers are permitted to provide Cisco brand name hardware, applications, and support services and unique licensing for its collaboration products and services. Only Cisco or its authorized resellers can provide the aforementioned services on the Cisco brand name items, as noted above, due to the manufacturer's proprietary data constraints. The Government's technical experts contacted Cisco in July 2019 and inquired if its proprietary data was for sale to non-authorized support providers. Cisco advised that its data is not for sale to non-authorized support providers. Any source other than an authorized Cisco reseller would need access to that proprietary data to provide the required services and the ability to configure, maintain, and support updates necessary to ensure the items remain operational and secure. In addition, only Cisco or its authorized Cisco resellers and partners can provide direct access to the core Cisco software, licensing, and support necessary for maintenance and support of these essential devices and applications.

Furthermore, authorized resellers require an additional ATP certification to support and design services under Collaboration Flex-Enterprise UCCE systems that are deployed across VA. Cisco requires authorized resellers to hold a Cisco ATP certification to design, optimize and support UCCE technology due to the critical support this application provides to the VA in its primary mission of Veteran's care and benefits. ATP certified resellers deliver specific skills, practices, and capabilities to the end user community above and beyond basic entry level product certifications, which is required for the UCCE platform. Accordingly, only a UCCE ATP certified reseller is capable of providing support for UCCE technology utilized by VA. Based on the above information, the Government's technical experts concluded that only authorized Cisco resellers, who have the required ATP certification, have the required access to Cisco's proprietary data to maintain Cisco equipment and software, and can ensure critical security updates are provided to the Government. The UCCE technology supports critical programs across VA. Accordingly, it requires a Cisco reseller with specific skills, practices capabilities only certified by Cisco to ensure proper support. In addition, there will be instances where Cisco SmartNet Business Critical Services, Collaboration Flex Services and technical support services will be performed simultaneously, and therefore VA requires one support solution to ensure proper configuration. Failure to adequately support the underlying unified communications infrastructure for these programs will adversely affect VA's ability to provide health care services and benefits to Veterans.

Due to the criticality of equipment and applications, as well as identified security threats and operational issues, support updates to all Cisco devices and applications must be available. If the core network or other key applications were to fail due to either a software or hardware failure, both vital VA medical, benefits, cemetery and associated support operations would be critically compromised. Without the requisite Cisco SmartNet, Business Critical Services, Collaboration Flex Services, and technical support services, VA's primary mission of providing timely access to

quality health care and benefits would be severely diminished if these services were not available

6. Efforts to Obtain Competition: Market research was conducted, details of which are in Section 8 of this document. This effort did not yield any additional sources that can meet, or whose solutions can be modified to meet, the Government's requirements, other than authorized Cisco SmartNet, Business Critical Services, and Collaboration Flex Services that have the required ATP certification. It was determined, however, that limited competition is viable among authorized resellers for this brand name effort. In accordance with FAR 6.302-1(c)(1)(ii)(c) and 5.102(a)(6) this justification shall be posted with the solicitation. Furthermore, the proposed action will be synopsisized on the Federal Business Opportunities Page in accordance with FAR 5.201. Any proposals that are received shall be evaluated.

7. Actions to Increase Competition: The Government will continue to conduct market research to monitor changes in the market place that would enable future actions to be competed.

8. Market Research: Market research was conducted in March 2019 by posting a Request for Information (RFI) (36C10B19Q0288) on the FedBizOps (FBO) website. The RFI sought to identify contractors who are authorized resellers of the aforementioned required Cisco services and identify any non-Cisco resellers whose services and/or solutions could provide, or be modified to provide, the services and support required for the Cisco hardware and software (e.g., Cisco networking gear Cisco Telephony, Unified Communications products, Cisco Telepresence Equipment and Unified Computing/Data Center devices, Collaboration Flex services, and applications, and Cisco Server and Virtualizations hardware) that are currently deployed, and/or will be deployed, throughout VA over the next five years. The RFI yielded 10 responses consisting of 10 Cisco-authorized resellers. Of the 10 Cisco-authorized resellers, 3 resellers currently have the ATP certification necessary to provide the required services. There were no respondents that indicated they could provide any other than brand name solution and/or services other than the Cisco services to meet the Government's requirement. Therefore, the RFI did not yield any additional sources that can meet, or whose solutions can be modified to meet, the Government's requirements other than Cisco or authorized Cisco resellers. Cisco resellers demonstrated their respective ability to meet VA's needs, and thus, limited competition among Cisco authorized resellers with the required ATP certification is anticipated. Based on the analysis of the responses received, limited competition will be pursued via FBO on an other than full and open competition basis.

9. Other Facts: None