

JUSTIFICATION AND APPROVAL  
FOR EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
260 Industrial Way West  
Eatontown, NJ 07724
  
2. Description of Action: The proposed action is for a one-year firm-fixed price (FFP) order issued against the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC) for the brand name purchase of Cisco Jabber videoconferencing software, Vidyo videoconferencing software, and AKCode AKT Summit videoconferencing software in support of Veterans Health Administration (VHA) Innovation #669 Home-Based Telemental Health (HBTMH).
  
3. Description of Supplies or Services: The proposed action is to provide 100 Cisco Jabber videoconferencing software licenses, 30 Vidyo videoconferencing software licenses and 50 AKCode AKT Summit videoconferencing software and associated hardware/support in support of VHA Innovation #669. This innovation project seeks to expand an existing Portland VA Medical Center (VAMC) HBTMH Pilot to all Veterans Integrated Service Network (VISN) 20 sites and collect data on outcomes for one year. This expansion would not only include seeing Veterans throughout VISN 20, but would also include an expansion and trial of different technologies (hardware, software, method of connection) used to reach these Veterans. VA wants to test different hardware devices (iPads, netbooks, Veteran's personal computers (PC) with webcam) to measure connection reliability, compatibility with different FIPS 140-2 certified videoconferencing software suites, the Veteran's/provider's preference as far as the device itself, etc. The total estimated price of this proposed action is \$110,334.27.
  
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 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 8 of this document, it was determined that limited competition is viable for these name brand licenses. In order to support the requirements of this innovation, it is necessary for the VA to utilize different videoconferencing software that is compatible to VHA's Telehealth videoconferencing platform, Cisco Movi/Jabber. VA requires privacy/security features and ability to utilize the current videoconferencing infrastructure that only Cisco Jabber, Vidyo, and AKCode AKT Summit videoconferencing software can provide. VA must have the ability to fully validate and verify the operability, usability, safety, and quality of the software and

methods of connection proposed for trial as part of this innovation. The three versions of videoconferencing software licenses discussed above have been identified as the videoconferencing platforms for this innovation as they are the only three products that VA found that meets the aforementioned criteria.

Additionally, Cisco Jabber, Vidyo, and AKCode AKT Summit videoconferencing software are the only products on the market that are Federal Information Processing Standard (FIPS) 140-2 certified. This allows the videoconferencing sessions between providers and Veterans to be protected by VA approved encryption to ensure privacy/security of protected information transmissions. These videoconferencing software licenses also seamlessly interface with VHA's Telehealth videoconferencing infrastructure as utilized by Cisco Movi/Jabber.

The Deputy Secretary of VA has reviewed and approved this innovation project. This innovation is crucial to exploring and developing new models of delivering a broad range of mental health services to rural Veterans.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Limited competition is anticipated for the required brand name videoconferencing software licenses. Although the Government is limiting competition as a result of specifying unique and highly specialized licenses, there are numerous authorized resellers of these licenses on the NASA SEWP IV GWAC. Additionally, this Justification and Approval (J&A) and the Request for Quote (RFQ) will be submitted to all four NASA SEWP IV GWAC Groups in order to fully notify all interested parties and obtain price competition. Furthermore, in accordance with FAR 5.3, the 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: The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed.

8. Market Research: In January 2013, the Government's technical experts conducted market research by reviewing different videoconferencing software that are compatible to VHA's Telehealth videoconferencing platform, Cisco Movi/Jabber, as far as privacy/security features and ability to utilize the current videoconferencing infrastructure. The proposed Cisco Jabber, Vidyo, and AKCode AKT Summit videoconferencing software has been identified as the only products that subject matter experts (SME) found that meets the aforementioned criteria. Various other products that the SME's tested were not FIPS 140-2 certified.

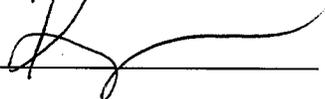
9. Other Facts: N/A

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.

Kristopher Teague

Date: 3/26/13

Innovation Coordinator

Signature: 

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 the fact that limited competition is anticipated. Although prices under the NASA SEWP VI GWAC have already been deemed fair and reasonable, the Government will also use the Independent Government Cost Estimate and price analysis will be used to substantiate a fair and reasonable price.

David Nostrant

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

Procuring Contracting Officer

Signature: \_\_\_\_\_

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 \$650,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

David Nostrant

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

Procuring Contracting Officer

Signature: \_\_\_\_\_