



Justification for an Exception to Fair Opportunity (above SAT)

1. **IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY:** This is a Justification for an Exception to Fair Opportunity. The requiring activity is the Joint Staff J7, Deputy Director Joint Training (JS J7 DD JT); the contracting activity is the Fleet Logistics Center Norfolk, Philadelphia Office.

2. **NATURE/DESCRIPTION OF CONTRACT ACTION:** This acquisition is conducted under the authority of 10 U.S.C. 2304a through 2304d. This is a Brand Name action to be awarded as a purchase order to CISCO or its authorized federal resellers. The placement of a firm, fixed price order is anticipated.

3. **DESCRIPTION OF REQUIRED SUPPLIES/SERVICES:** The proposed acquisition is to procure CISCO Video Telecommunications (VTC) equipment that will provide new capabilities by increasing the bandwidth efficiencies used by this type of equipment and by incorporating the latest network authentication technologies required as part of the information assurance and cyber-security guidelines. This equipment is considered a significant change to performance that will provide increased capability and considerably changes the performance of the video teleconferencing at Joint Staff Hampton Roads. The total estimated value of this requirement is

The requirement will be funded with FY16 Procurement Defense Appropriation (PDA) three year funds. These funds are currently available, and are appropriate to the acquisition. The equipment to be acquired is as follows:

Manufacturer	Qty	Description	Part #
CISCO	18	Cisco SX80 Codec, Precision 4x Cam, Touch 10 Non priced items included in the line 1 configuration	CTS-SX80-IP40-K9
CISCO	18	ESS WITH 8X5XNBD Cisco SX80Codec, Prec 4xCam Touc 10TM60	CON-ECDN-CTSSX84X
CISCO	54	Pwr Cord US 1.8m Black YP-12 To YC-12	PWR-CORD-US-A
CISCO	18	Cisco TelePresence Table Microphone 60	CTS-MIC-TABL60
CISCO	18	ESS WITH 8X5XNBD Cisco TelePresence Table Microphone 60	CON-ECDN-CTSMICTB
CISCO	18	License key to activate sw encryption module	LIC-TC-CRYPTO-K9
CISCO	18	4 meter flat grey Ethernet cable for Touch 10	CAB-DV10-4M
CISCO	18	Power Injector (802.3af)	CTS-PWR-AIR-INJ5+
CISCO	18	Power Supply 12 VDC 40W	PSU-12VDC-40W2
CISCO	18	Camera Break Out Cable to RJ45 and HDMI (both female)	CAB-PHD4XS2-SPLIT
CISCO	18	12.5 meter flat grey Ethernet cable for Touch 10	CAB-DV10-12.5M
CISCO	18	Presentation cable w/audio, VGA/Jack to DVI/Phoenix	CAB-DVI-VGA-PHOEN
CISCO	18	Standard camera control cable DSUB/RJ45	CAB-VC2-5M

CISCO	18	SX80 rack ears - for auto expand only	CTS-SX80-RACKEARS-
CISCO	18	Cisco SX80 Codec	CTS-SX80CODEC
CISCO	18	SW Image for SX80, MX700, MX800	SW-S52020-TC7-K9
CISCO	18	Touch 10 auto expand	CTS-CTRL-DVX-10+
CISCO	18	PrecisionHD Camera 1080p 4x SX20 auto expand	CTS-PHD1080P4XS2+

4. IDENTIFICATION OF THE EXCEPTION TO FAIR OPPORTUNITY RATIONALE AND/OR DEMONSTRATION OF CONTRACTOR'S UNIQUE QUALIFICATIONS: The statutory authority which permits not providing each awardee a fair opportunity to be considered for each order exceeding \$3,000 issued under a multiple award contract is 10 U.S.C. 2304c, as implemented by FAR 16.505(b)(2).

The government requires VTC equipment that can be installed without costly additional infrastructure investments and recertification. In addition to the CISCO products, other products were researched, tested and compared. These include Polycom HDX series and Sony PCS series VTC systems. These are the only known comparable types of VTC systems available that provide similar form, fit, and function as the CISCO SX series products. Although these products do provide VTC capability, they have not been deemed reliable as it relates to information assurance for DoD networks. The Polycom and Sony systems, although previously approved for usage on DoD networks, have had a history of security vulnerabilities. The CISCO product line in this regard has performed better in terms of overall network security. The Sony system no longer appears on the active authorized list for operation on DoD networks. The Polycom HDX series is authorized until 2017, while the CISCO SX series is authorized until 2018. Without Information Assurance Security Manager (IASM) approval, expiration of authorization requires that products not be integrated into the network, and that expired existing equipment be removed from the network. Recertifying the Sony equipment for use on the network would cost approximately \$200,000, an amount which is unlikely to be recouped via competitive acquisition.

Furthermore, the Polycom and Sony systems do not integrate easily into the existing Cisco-based JS J7 Hampton Roads conference room architecture, and additional devices would be required for full system integration, increasing the overall cost of the system as a whole. Use of Polycom products would entail an estimated \$310,000 in costs for control system programming, hardware additions, and operator training. The Sony product would entail the same costs, with the addition of the required \$200,000 recertification. These costs are unlikely to be recouped via competitive acquisition. Only the CISCO product offers 100% compatibility without additional components or infrastructure, and thus offers a substantial cost savings to the government.

As a result of the market research, it is determined that only Cisco products fulfill the government's need for VTC equipment that can be integrated without costly additional infrastructure investments. Furthermore, it is determined that other, similar products do not meet, and cannot be modified to meet this requirement.

5. DETERMINATION OF FAIR AND REASONABLE COST: The National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) contract did establish the prices for the required supplies to be fair and reasonable. The NASA SEWP contracts are FAR Part 12 commercial contracts. NASA SEWP received additional discounts from the

contractor's listed commercial list price. NASA SEWP conducted a price analysis in accordance with FAR 15.305(a)(1) and established reasonableness of proposed prices in accordance with FAR 15.403-1(c)(1)(i)(B). The Fleet Logistics Center Norfolk, Philadelphia Office Contracting Officer will determine, using the procedures in FAR 15.4, that the order represents the best value to meet the Government's needs.

6. DESCRIPTION OF MARKET RESEARCH: The requiring activity and contracting activity have conducted market research among the multiple award contractors. The requiring activity certifies that the requirement can be met by a commercial item. The contracting activity conducted market research among NASA SEWP contract holders. The results indicate that the Government's needs may be met by the types of items customarily available in the commercial marketplace that meet the definition of commercial items as described at FAR Subpart 2.1. Although this requirement is limited source (brand name), there are multiple SEWP vendors that offer these products. The Joint Staff will continue to scan the market for potential AV hardware/software suites with the same capabilities as CISCO Codec. As a result, a continuous scan of the market may lead to future competitive requirements.

7. ANY OTHER SUPPORTING FACTS: This procurement uses a GWAC and will be solicited and awarded in accordance with FAR Subpart 16.5. The brand name Exception to Fair Opportunity will be posted with the solicitation to NASA SEWP and will invite responses from CISCO and/or its authorized resellers.

8. ACTIONS TAKEN TO REMOVE BARRIERS TO COMPETITION: All future requirements will be handled on a case-by-case basis. In the future, any change to the JS J7 DD JT VTC infrastructure may allow for a competitive procurement. Additionally, changes in the marketplace may similarly allow for competitive procurements.

9. CONTRACTING POINT OF CONTACT: The point of contact at Fleet Logistics Center Norfolk, Philadelphia Office is Joseph Maier, joseph.e.maier@navy.mil, 215-697-4704.

CERTIFICATIONS AND APPROVAL

TECHNICAL/REQUIREMENTS CERTIFICATION

I certify that the facts and representation under my cognizance which are included in this Justification and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

Technical Cognizance:

Signature Name (Printed) Phone Date

Requirements Cognizance:

Signature Name (Printed) Phone Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification to be legally sufficient.

Signature Name (Printed) Phone Date

CONTRACTING OFFICER CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief. To the extent that the J&A/LSJ value is between \$150k and \$650k, the Contracting Officer's signature below also represents approval of the J&A/LSJ.

Signature Name (Printed) Phone Date

COMPETITION ADVOCATE CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief. To the extent that the J&A/LSJ value is between \$650k and \$12.5 million, the Competition Advocate's signature below also represents approval of the J&A/LSJ.

Signature Name (Printed) Phone Date