

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

For procurements exceeding the simplified acquisition threshold

[Reference FAR 16.505(2)i

1. Agency: National Endowment for the Arts (NEA)

2. Nature and/or description of the action being approved:

This document contains a justification for an exception to fair opportunity to purchase within the General Services Administration (GSA) Networkx contract, a wiring bridge and compatible voice-over-internet protocol (VOIP) software/equipment to replace our current PBX and voice mail system.

3. Description of procurement:

The NEA has a requirement to replace its aging PBX, voicemail and emergency broadcast systems to ensure continuity of routine as well as critical operations. The NEA requires a voice mail system which integrates with Microsoft Outlook; provides the web-based management software to support teleworking; and offers simultaneous system-wide emergency broadcast capability to each handset; all features which require a voice over internet protocol (VoIP) based solution. This procurement will be completed through the GSA telecommunications contracting vehicle, Networkx Universal. CenturyLink is the sole Networkx Universal awardee currently offering a solution which provides the required wiring bridge, VoIP structure and integrated emergency broadcast capability. The estimated value of this procurement is \$200,000.

4. Statutory Authority:

The statutory authority permitting this exception to fair opportunity is 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. Supporting rational for the exception to fair opportunity:

The NEA's current phone system has reached its end-of-service life and is no longer supported by the manufacturer. The NEA occupies space on several floors within a GSA owned historic building where all station wiring is CAT3 or less. As the NEA has been directed to relocate no later than January 2014, replacing the building's station cabling to support a VOIP solution is not economically feasible. For that reason, the NEA requires a wiring solution that can provide a bridge between our current CAT3 wiring and a VoIP based PBX/voicemail solution.

Additionally, a forced relocation within two years mandates procurement of equipment which is portable and can easily be moved to a new location. Currently the Phybridge UniPhyer is the only solution within the Networkx contract that enables VoIP to be run on our legacy telephone cabling and CenturyLink is the sole Networkx awardee. Furthermore, the NEA's current emergency broadcast system is imbedded in the voice mail system. Replacement with a standalone emergency broadcast system is economically unfeasible due to the high cost of installation for the short duration we will remain at our current location. Replacement with a

voicemail system that can provide emergency broadcast capability is the only practicable option. Currently, ShoreTel is the only product with the Networx contract offering this capability and CenturyLink is the sole Networx awardee.

6. Actions to Increase Competition:

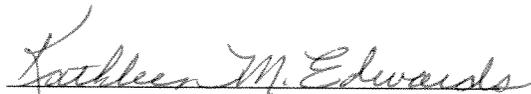
NEA does not anticipate that future acquisitions for this type of product will require fair opportunity exceptions. In 2014, the agency will relocate to a location with modern infrastructure capable of supporting state-of-the-art telecommunications technology. The historic nature of our current location coupled with its aged wiring and the Agency's impending relocation are onetime factors dictating an exception for this procurement.

7. Other facts:

There are no additional facts.

8. Technical and Requirements Certification:

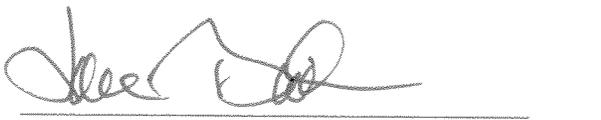
I certify that the supporting data under my cognizance which is included in this justification is accurate and complete to the best of my belief.


Kathleen M. Edwards
Technical Evaluator
Director, Administrative Services
National Endowment for the Arts

2-10-12
Date

9. Fair and Reasonable Cost Determination:

I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable. I certify that the justification is accurate and complete to the best of my knowledge and belief. I hereby determine that the statutory exception identified above applies to this order.


Laurence M. Baden
Contracting Officer
Deputy Chairman for Management & Budget
National Endowment for the Arts

2-10-2012
Date