

**JUSTIFICATION AND APPROVAL (J&A)
FOR OTHER THAN FULL AND OPEN COMPETITION
FAR Part 6.3**

1. Identification of the agency and the contracting activity:

The Department of State, Office of Acquisition Management is conducting this acquisition for Avaya Domestic On-site Maintenance and ad hoc service requests on behalf of the Bureau of Information Resource Management, Enterprise Network Management, Telephone, Wireless, and Data (IRM/OPS/ENM/TWD). The estimated cost is [REDACTED] The estimated period of performance is one-year, April 1, 2023 to March 31, 2024.

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

This Justification and Approval (J&A) is to award an interim Indefinite Delivery /Indefinite Quantity (IDIQ) contract to the incumbent contractor, Team Ronco (an Avaya Small Business Platinum Partner), for the purchase of the required on-site maintenance in support of the Department's mission critical Avaya telephone systems and ad hoc telecommunication service requests. An interim contract is required to provide DOS sufficient time to release the Request for Proposal (RFP) for the successor contract, conduct source selection in accordance with FAR 15 procedures and ensure continuity of services for mission critical operations. This justification requests approval for an interim IDIQ contract for 12 months through March 31, 2024. Service Requests include Uninterruptible Power Source (UPS) replacement, UPS battery replacement, cable removal, cable repair, cable installation, repair and upgrade of paging systems, call management system software upgrades, and repair and replacement of fiber optic cable to maintain aging telecommunications systems and infrastructure at domestic locations. Service Requests may also include the decommissioning and removal of telephone systems as the Department transitions to a cloud-based, Voice over IP telephone solution. The telephone sets and systems are within their useful life but are aging. In accordance with Avaya warranties, only an authorized Avaya Platinum partner may provide on-site support to ensure authorized technicians repair and maintain Avaya proprietary hardware and software. The Department must contract with an Avaya Platinum partner to ensure it does not void its support agreements and warranties with Avaya.

3. A description of the supplies or services required to meet the Department's needs.

The requirement is to provide business-day (Monday through Friday, 8:00 AM through 5:00 PM) on-site support (with 24/7/365 support in selected locations), that includes parts and labor for all Avaya equipment and systems such as Private Branch Exchanges (PBXs), Voice Systems, Paging Systems and any adjunct equipment that are currently under Avaya warranty for all locations supported by the Department of State within CONUS, Alaska, and Hawaii for the mission-critical phone systems. Under the contract, Puerto Rico is also considered CONUS.

The contractor provides a Client Services Manager (CSM) as the single point of contact for DOS support services. The CSM will serve as an extension to the engineering team

and assist with the network applications, software/firmware updates, and disruption prevention. The CSM shall proactively mitigate potential severe issues with CCM (Constant Case management).

The contractor also provides and maintain Avaya ProVision software management licenses.

In limited circumstances and with prior approval, the Contracting Officers Representative (COR) may request that the contractor complete an ad hoc service request performed by local authorized technicians to repair and maintain the aging telecommunications systems and infrastructure. DOS will issue a task order against the IDIQ contract when an ad hoc Service Request is required.

This will allow the IRM/OPS/ENM/TWD to accomplish its mission objective of coordinating and maintaining the Department's domestic data and voice telecommunications network.

4. **An identification of the statutory authority permitting other than full and open competition.** *This acquisition is conducted under the authority of 41 U.S.C. 3304, as implemented by FAR 6.3 and substantiated by the following:*

☒ 6.302-2 – Unusual and compelling urgency.

The current domestic voice and data telecommunication networks include Avaya products – including PBXs, Uninterruptable Power Supplies (UPS), and Paging Systems that are currently under Avaya warranty), Voice Systems, Paging Systems, switches, and routers. In accordance with Avaya warranties, only an authorized Avaya Platinum partner may provide on-site support to ensure authorized technicians repair and maintain Avaya proprietary hardware and software. Using a non-Avaya source will void the Department's warranties and support agreements with Avaya, which could result in compromising the Department's mission critical network.

An interim contract beyond the contractual period of performance, awarded to the current incumbent contractor is necessary to ensure continuity of services to critical communication functions. Failure to retain the current incumbent contractor throughout the competitive solicitation process would result in potential harm to government operations due to the following – 1) loss of onsite Avaya maintenance services that could cause mission critical telephone systems to become non-operational and disable phone service at many domestic locations, 2) expiration of Avaya ProVision software management licenses that could cause telephones and systems to stop functioning, 3) delays in the transition to the Teams based phone systems which would increase the Department's costs to support and maintain the aging Avaya systems, and 4) inability to task the contractor to perform service requests which could increase the time and cost to maintain and repair the aging communications infrastructure at domestic offices.

DOS anticipates award of a follow-on contract by March 2024. There is insufficient time to award a competitive contract because the program office is still determining when and how to efficiently transition support to an enterprise-wide support model for telecommunication systems, worldwide. The program office is working to develop a clear plan for when the transition to enterprise support will take place, which organization

will provide the support, and what the service levels will be. The program office cannot finalize its worldwide support requirements for a new contract and issue a solicitation until the enterprise support model is finalized. Therefore, it is in the best interest of the Government to issue a one-year interim IDIQ contract to the incumbent contractor to continue support for domestic locations while IRM reorganizes and finalizes its enterprise level support model. Overseas support is currently provided under a different contract.

Based on the foregoing, an interim contract is required to ensure continuity of services. The extension to the period of performance will allow time to finalize overseas support requirements and complete source selection and transition, without disrupting major communication functionality provided under the current contract.

5. **A demonstration that the proposed contractor's unique qualifications or the nature of the action require use of the authority cited.**

Since the required hardware and software support is propriety in nature, the existing systems can only be maintained/upgraded by the manufacturer or Platinum Certified Partners. The incumbent contractor is a Platinum Certified Partner, small business that has provided maintenance support under the current IDIQ contract SAQMMA17D0091 since April 2017 with very good performance and is ready to continue support for another year. Awarding to a contractor other than the incumbent is not feasible because there is insufficient time to compete the requirement and transition to a new contractor without a break in support before the current contract ends.

6. **A description of efforts to ensure that offers were solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by FAR Subpart 5.2 and, if not, which exception under FAR 5.202 applies.**

Under the circumstances obtaining offers from more than one potential source is not applicable. The Department will publish this notification as required by FAR Subpart 5.2.

The current contract was competitively awarded and the Request for Proposal the successor contract or agreement will be posted on the government point of entry (Sam.gov) to ensure maximum visibility and participation for Avaya Certified Small Business Platinum Partners. The Department will also publish a Justification and Approval to justify the need for Avaya Certified Platinum Partners.

7. **A determination by the ordering activity Contracting Officer that the anticipated cost to the Government is fair and reasonable.**

The Contracting Officer will compare the proposed Avaya maintenance rates to the rates on the existing contract to ensure any increase is reasonable after adjusting for inflation. In addition, the Contracting Officer will compare the proposed rates to the Independent Government Cost Estimate (IGCE) developed for the next IDIQ contract. The IGCE used prices from the current contract and based the estimate for onsite support on the age of the equipment and the reduction of the number of systems in use over the life of the contract as the Department transitions to a cloud-based, Voice over IP telephone solution. The IGCE also considered an increased number of service requests to cover small repairs and Avaya system decommissioning and removal. By signing the justification, the

Contracting Officer makes a determination that the cost/price to the Government are expected to be fair and reasonable.

8. A description of the market survey conducted (see Part 10) and the results or a statement of the reasons a market survey was not conducted.

As stated above, the Department did not conduct a market survey for this interim contract because it will be a sole source award and the incumbent, as the current provider, is the only vendor that can provide the required services for the brief period of time without a disruptive transition/on-boarding period.

However, for the follow-on IDIQ contract award, the Department conducted a market survey with Avaya who identified three small businesses that are Platinum Certified Partners capable of meeting the Department's requirements. The Department will publish a J&A for Other than Full and Open Competition, prior to issuing the solicitation for the follow-on IDIQ contract. Per the Department's Avaya System warranties, DOS must use a Platinum Certified Partners to provide the onsite maintenance.

9. Any other facts supporting the use of this justification.

None.

10. A listing of any sources that expressed a written interest in the acquisition.

Team Ronco

11. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.

The Department will compete the award for the follow-on IDIQ contract among the three qualified small business Avaya Platinum Certified Partners. DOS expects that all Avaya systems will be converted to the cloud-based, Voice over IP telephone solution by the end of the follow-on IDIQ contract's period of performance.