

JUSTIFICATION AND APPROVAL
FOR AN 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 the placement of a firm fixed-price Delivery Order that will be issued under the Commodities Enterprise Contract (CEC), Indefinite-Delivery Indefinite-Quantity (IDIQ) Contract Number VA118-13-D-1001 with Red River Computer Company, Inc. (hereinafter referred to as Red River) for the procurement of Stackable Network Access Switch hardware, MAC Operating System (OS) Laptops – Medium, and associated warranties for the Department of Veterans Affairs (VA).

3. Description of the Supplies or Services: The proposed action is for the acquisition of Stackable Network Access Switch hardware and associated warranties which will be utilized to replace antiquated switches located at, and in support of, VA Central Office (VACO). This requirement is for the purchase of 23 each Stackable Network Access Switch hardware (Cisco Catalyst 3750X 48 Port Full PoE IP Base, Part Number: WS-C3750X-48PF-S and associated configurations) with 5-Year Premium Warranty and 10 each MAC OS Laptops – Medium (MacBook Pro, Part Number: Z0MV) with 3-Year Standard Warranty. The total estimated value of the order is \$260,033.97.

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(4) as implemented by the Federal Acquisition Regulation (FAR) 16.505(b)(2)(i)(D); entitled “It is necessary to place an order to satisfy a minimum guarantee.”

5. Rationale Supporting Use of Authority Cited Above: The proposed source is Red River Computer Company, Incorporated, 21 Water Street, Suite 500, Claremont, NH 03743. Solicitation VA118-12-R-0071 was issued competitively utilizing the Federal Business Opportunities (FBO) website on December 23, 2011. Three offerors were chosen to receive an award in accordance with the criteria set forth in the Basis for Award of the solicitation. Included in the solicitation and resultant contracts were both FAR clause 52.216-22, Indefinite Quantity, and Subsection H.2 (Contract Total Minimum and Maximum Quantities) which established the Government’s requirement to award a minimum guarantee under each CEC. In accordance with the requirements of FAR 52.216-22 and

Subsection H.2, this order is being issued to Red River to satisfy the minimum guarantee for Contract VA118-13-D-1001. Red River's products were reviewed by the Government's technical experts and have been determined to satisfy the hardware and warranty requirements required by this action. This determination included a review of the CEC warranty requirements and the technical specifications associated with the networking appliances and laptops offered on the selected awardee's CEC.

6. Efforts to Obtain Competition: There is no competition anticipated for this action as it is being issued to meet the mandatory minimum guarantee for this IDIQ contract. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D) this action will be synopsisized at award on FBO and the justification will be made publicly available.

7. Actions to Increase Competition: All DO's under CEC shall be competed unless an exception to fair opportunity applies and is approved in accordance with FAR Subpart 16.505.

8. Market Research: Market Research was conducted by the Contract Specialist and VA technical experts who reviewed the CEC product catalogs and associated technical specifications. Based upon the market research conducted, it was determined that the products offered on CEC Contract VA118-13-D-1001 with Red River satisfied the hardware and warranty requirements associated with this procurement. Therefore, this DO was selected to satisfy the mandatory minimum guarantee for this IDIQ contract and no further market research was conducted.

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.

Sam Hostetler

Date: 9/12/2013

VACO Network Manager

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 and will not exceed the ceiling prices established on the CEC which have already been determined to be fair and reasonable as a result of adequate price competition.

Robert P. Kirzow

Date: 9/13/2013

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 6.505-(b)(2)(ii)(C)(1) serves as approval.

Robert P. Kirzow

Date: 9/13/2013

Procuring Contracting Officer

Signature: 