

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-1000 with Valador, Inc. for the procurement of Windows Operating Systems (OS)/Apple Macintosh OS hardware and warranties for the Department of Veterans Affairs (VA).

3. Description of the Supplies or Services: The proposed action is for the acquisition of Windows OS/Apple Macintosh OS hardware and associated warranties which will be utilized to replace out-of-compliance devices and support an increasing telework workforce at the VA. This requirement is for the purchase of 110 each Windows OS Laptops– Light (Dell Latitude E6330, Part Number: LL318-1955) with 3-Year Standard Warranty; 110 each Docking Stations - Windows OS Laptops – Light (Dell E-Port Plus / 430-3114-Lt); 30 each Windows OS Laptop – Tablets (Dell Latitude XT3 LT225-0851) with 3-Year Standard Warranty; 30 each Docking Stations – Window OS Laptop Tablet (Dell E-Port Plus 430-3114-Tab); 60 each Windows OS Laptops - Medium (Dell Latitude E6430, Part Number: 225-2656) with 3-Year Standard Warranty; 10 each MAC OS Laptops – Heavy (MACBOOK PRO MD104LL A-3Y). The total estimated value of the order is

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 Valador, Inc., 560 Herndon Pkwy, STE 300, Herndon, VA 20170-5239. 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 Valador, Inc. to satisfy the minimum guarantee for Contract VA118-13-D-1000. Valador, Inc.'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 End User Devices 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-1000 with Valador, Inc. 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