


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 a firm-fixed-price delivery order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC), for the procurement of DS4243-R5 Network Appliance (NetApp) Storage Shelves and Support Edge Premium 24 hour onsite support, to support and expand the existing storage infrastructure across Region 2 Office of Information and Technology (OIT) Service Delivery and Engineering (SD&E). Delivery of the storage shelves shall be within 30 days of receipt of order on NASA SEWP with 12 months of onsite support.
3. Description of Supplies and Services: The James A. Lovell Federal Health Care Center (FHCC) is a joint healthcare facility between VA and Department of Defense. This center provides medical care for Veterans and active duty personnel to seek various types of medical treatment in a single location. VA and OIT SD&E require the procurement of DS4243-R5 NetApp Storage Shelves and Support Edge Premium 24 hour on-site support to support and expand the existing storage infrastructure for FHCC and the Hines Data Center. The total estimated price for the proposed action is

4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is 41 U.S.C. 4106(c) as implemented by the 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. Rationale Supporting Use of Authority Cited Above: Based on extensive market research, as described in paragraph eight below, it was determined that limited competition is viable among authorized resellers for this brand name item. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. Currently Region 2 utilizes Netapp devices to meet network storage needs which include an average of 2,000 employees utilizing storage on approximately 40 NetApp Storage Systems at any given time, and about 10,000 employees that require access to these servers. The data stored on these devices includes payroll information, critical files from VA personnel, and files that interface with Veterans Health Information Systems and Technology Architecture, VA's primary database for patient information. Netapp serves as the backbone for storing all information from VA personnel's personal computers and provides redundancy and back up services to ensure that information critical to VA operations and patient care is not lost. The Netapp warranty service

provides stability and insurance in case a Netapp device is defective; a replacement part or unit can be sent that is compatible with existing infrastructure to ensure no loss of data. Only Netapp's formatted disk shelves are compatible with the existing equipment. Any other device would require major rework of existing infrastructure, employees will need to be retrained, all Disaster Recovery operations within Region 2 will have to be discontinued and migrated to other vendor platform which would require additional professional services. Additionally, region monitoring tools would have to be disbanded which requires additional man hours to maintain. This would cause a delay in the expansion and establishment of small networks that connect to the existing VA storage infrastructure. Data loss, loss of patient records, or failure of a hospitals storage infrastructure could be at risk with the use of any other storage device.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Limited competition is anticipated for the aforementioned brand name services. In accordance with FAR 5.301 and FAR 16.505(b)(2), this action will be synopsisized at award on the Federal Business Opportunities page and the justification will be made publicly available.

7. Actions to Increase Competition: In order to remove barriers to competition on future acquisitions for this requirement, the agency will work with the program office to perform additional market research so that other solutions can be considered.

8. Market Research: The Government's technical experts performed market research by conducting a search on NASA SEWP and other commercial internet sites in July 2013 to identify other brand name devices that can meet VA's aforementioned requirements. Other sources such as EMC Corporation, Hitachi, and Hewlett Packard were found to have similar features, but would not ensure compatibility of existing equipment. Data loss, loss of patient records, or failure of a hospitals storage infrastructure could be at risk. Additional equipment, gateways, and licensing would need to be procured and implemented to ensure compatibility of equipment supplied by vendors other than Netapp. Only Netapp's formatted disk shelves are compatible with the existing equipment. Any other resource would require major rework of existing infrastructure, employees will need to be retrained, all Disaster Recovery operations within Region 2 will have to be discontinued and migrated to other vendor platform which will require additional professional services. Additionally, region monitoring tools will have to be disbanded which require additional man hours to maintain. This will cause a delay in the expansion and establishment of small networks that connect to the existing VA storage infrastructure. Therefore, VA technical experts have determined that only Netapp brand storage shelves will meet VA requirements.


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.

Austin Pope

Date: 8/5/2013

VISN 12 Administrative Officer
VA OI&T, Field Operations

Signature: 

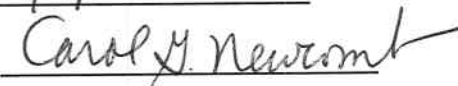
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Pope 188150
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10. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable. Prices under the NASA SEWP IV contracts have already been determined to be fair and reasonable. In addition, further price competition is anticipated amongst the vendors on NASA SEWP. The successful quote will also be compared to the independent Government cost estimate.

Carol G. Newcomb

Date: 8/5/2013

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 16.505(b)(2)(ii)(C)(1) serves as approval.

Carol G. Newcomb

Date: 8/5/2013

Procuring Contracting Officer

Signature: 