

JUSTIFICATION AND APPROVAL  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition and Operations  
Technology Acquisition Center  
260 Industrial Way West  
Eatontown, NJ 07724
2. Description of Action: This 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 NetApp brand name servers, CommVault software, and VMWare software. Additionally, VA requires installation and configuration services for these brand name items at the Orlando Veterans Affairs Medical Center (OVAMC) and other Veteran Integrated Service Network (VISN) 8 facilities. The period of performance for this acquisition is 18 months, which consists of six months to deliver and install the equipment and a 12-month warranty upon completion of installation.
3. Description of the Supplies and/or Services: This procurement is for NetApp brand name servers, CommVault software, VMWare software, and installation and configuration services. These brand name items will expand the current capabilities and upgrade portions of the existing server and storage environment at the OVAMC Lake Nona hospital and disaster recovery at the current Lakemont campus. All these items properly installed and configured will provide an improved compatible server environment for the OVAMC enterprise and continue mission critical disaster recovery for all VISN 8 facilities. This server/storage environment will cover VA's new 65 acre campus to include the OVAMC Lake Nona site and disaster recovery at the existing Lakemont data center. It will provide all virtual servers and data storage for more than 4,000 end-users and include storage for the Biological Medicine (BioMed) department and Medical Media, as well as disaster recovery for all VISN 8 facilities. VA requires configuration services to be completed with zero loss of patient information or any other data contained within the current 40 terabytes (TB) of storage. The 40 TB of data and over 150 virtual servers need to be migrated from different storage arrays three separate times during installation within the OVAMC environment with zero downtime. The estimated price of the proposed action is \$4,472,306.50.
4. Authority Cited: The statutory authority permitting this exception to fair opportunity is Section 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: Based on market research, as described in paragraph 8 of this document, it was determined that limited competition is viable for these brand name items. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer.

The NetApp storage brand of equipment is already in place in existing data storage facilities and provides over 150 virtual servers to VA's end-user population. These items also provide the VISN 8 virtual server cluster environment and a Continuous Readiness in Information Security Program (CRISP) certified disaster recovery model for all virtual servers within VISN 8. NetApp brand name servers are the only servers that can meet all of VA's requirements to include interoperability and compatibility with the current infrastructure. Specifically, NetApp is the only product capable of providing new storage heads fully compatible with the existing storage head infrastructure that is comprised of only NetApp brand name items. The storage heads utilize proprietary codes that enable the use of existing storage arrays. No other solution provides these proprietary codes; therefore, no other solution is interoperable nor compatible with the existing storage arrays.

Additionally, the new VMWare software needs to be fully compatible with existing licensing utilized throughout VISN 8 in established storage facilities so that there is full interoperability and compatibility between the established environments. VMware software is the only software that can meet all of the Government's functional requirements. These functional requirements include guest Operating System (OS) support of all major Linux and Sun OS versions, management of Continuity of Operations (COOP) and Disaster Recovery (DR) with existing VMware installations, and the ability to perform live migration of existing virtual machine (VM) instances with VMotion. These requirements ensure that the VA information technology infrastructure, including its various networks, remains functional, stable and more secure. VMware software provides a virtualization capability on VA computer systems allowing one computer system to function as multiple computer systems by running more than one operating system simultaneously. This also allows the computer systems to utilize their full capacity, thus resulting in a more efficient work distribution. Failure to acquire the VMware software would result in a negative impact to the VA community due to interoperability and compatibility issues, as VA already deploys VMware software, and no other software is compatible with it. If the computer systems are not able to interface with other VA systems, then there is a high risk of system downtime, which will result in mission requirements not being met.

In addition, the current server environment utilizes CommVault software to provide DR and COOP capabilities for OVAMC and VISN 8. The software

must be upgraded to allow the one year of backup files that are currently stored to tape to be accessible and available during the installation and migration processes. The backup files are currently stored on Digital Linear Tape (DLT) 3 tapes with CommVault software. CommVault software is the only software that can read these tapes and could be used to restore mission critical data in case of an emergency. Without this specific software installed on the NetApp hardware during migration the data stored to tapes currently for disaster recovery purposes would become unreadable. Also the CommVault software is the only brand name software able to support real time transfer of DR and COOP functions from one server/storage cluster to another which VA requires. At no time is the functionality of the VISN 8 environment permitted to be offline. Also, the CommVault software is the only brand name software with a built in data deduplication functionality at both the server or workstation sides and is certified to the Federal Information Processing Standards (FIPS) 140-2 standards for data-in-flight or data-at-rest which VA requires. This software is also the only brand name software that performs bit/block level reading and backs up all data from multiple OS including support of all major Linux and Sun OS versions, and Microsoft data which VA requires, as well as management of COOP and DR with existing VMware installations and the ability to perform live migration of existing virtual machine (VM) instances with VMotion. These requirements ensure that the VA information technology infrastructure, including its various networks, remains functional, stable and more secure.

A sole contractor is required in order to ensure the server and software remains operational during installation and configuration services over the multi-phased installation process. The contractor will be required to install the new NetApp hardware into the current NetApp operational environment and must be concurrently compatible with the VMware and CommVault as running applications to maintain data backup and contingency/disaster recovery plans. The VMware software will be used by the contractor to transfer both the server functionality and data between the existing storage environment and the new NetApp hardware being installed. The CommVault software is currently used as the OVAMC backup product and without its installation and use during installation for this procurement a year of data that is currently backed up to tape and removed to offsite storage would be inaccessible. The reset and loss of this backup data breaches VISN 8's CRISP and DR plans. The only software that can read the offsite disaster recovery backup tapes is CommVault.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. This effort did not yield any additional sources that can meet the Government's requirements. It was determined however that limited competition is viable among authorized resellers for the brand name requirements. In accordance with FAR 5.301 and 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: The agency will continue to work with the program office to conduct additional market research so other possible solutions can be considered for future hardware procurements.
8. Market Research: VISN 8 unsuccessfully attempted to find a single common backup solution for data backup prompted by the VA mandated CRISP initiative. The customer discovered that the current CommVault system is not compatible with Symantec, Hewlett Packard (HP), and IBM software systems for backup services. In May 2013, the Government's technical experts conducted market research by reviewing hardware and software solutions provided by EMC Corporation, Dell, and HP to assess the compatibility of these systems with the existing infrastructure. The existing NetApp equipment is not compatible with the any other hardware systems. The Government's technical experts also researched competing solutions for VMWare. VMWare is not compatible with competing products including Microsoft's Hyper-V, or Citrix products. Additional market research was conducted in June 2013 by posting a Request for Information (RFI) issued June 17, 2013 to vendors on the NASA SEWP IV GWAC seeking to identify companies able to provide the hardware, installation services, and maintenance and support for the OVAMC. The Government received five responses to the RFI. The responders were Iron Bow Technologies LLC, CounterTrade Products, Inc., UNICOM Government Inc., MicroTech, and Red River Computer Co., Inc. The respondents represent one Service Disabled Veteran Owned Small Business (SDVOSB), one small business, and three value added resellers. Based on the RFI results it is expected that there is limited competition.
9. Other Facts: None

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.

Donald L. Norris

Date: 8/27/2013

Network Manager

Signature: [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. Contracts awarded on NASA SEWP IV GWAC have already been determined to be fair and reasonable. The successful quote will be compared to the Independent Government Cost Estimate.

Robert Kirzow

Date: 8/28/2013

Procuring Contracting Officer

Signature: [Signature]

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

Robert Kirzow

Date: 8/28/2013

Procuring Contracting Officer

Signature: [Signature]

13. Legal Sufficiency Certification: I have reviewed this justification and find it adequate to support other than full and open competition and deem it legally sufficient.

Vincent H. Buonocore

Date: 8/28/13

Legal Counsel

Signature: [Signature]



Approval

In my role as Contracting Activity Competition Advocate, based on the foregoing justification, I hereby approve the acquisition of NetApp hardware and software to be utilized within the new server/storage environment in the new OVAMC Lake Nona hospital and disaster recovery at the existing Lakemont campus on an other than fair opportunity basis pursuant to the authority cited in paragraph 4 above, subject to availability of funds, and provided that the property and services herein described have otherwise been authorized for acquisition.

Date: 9-9-13

Signature: Iris B. Cooper

Iris B. Cooper  
Head of the Contracting Activity