

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
23 Christopher Way
Eatontown, New Jersey 07724
2. Description of Action: The proposed action is for a firm-fixed price (FFP) task order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC) for hardware and software maintenance support on Wide Area Network (WAN) Accelerator network equipment under Region 5. The period of performance is July 01, 2014 through June 30, 2015, with one, 12-month option period.
3. Description of the Supplies or Services: The Department of Veterans Affairs (VA), Veterans Benefit Administration (VBA) requires maintenance and technical support for existing brand name Riverbed equipment and software licenses located throughout VBA's Regional office and out-based locations. This level of support is described as "Gold Level" by the manufacturer, Riverbed. This support includes 24x7 phone support and next business day advanced replacement or repair. Region 5 was mandated to roll out Veteran Benefits Management Systems (VBMS) which required VA to utilize brand name WAN Acceleration technology. In 2011, Region 5 purchased 69 Riverbed WAN Accelerators to cover all VBA Regional Offices and larger outbased offices requiring WAN Acceleration. Enterprise Systems Engineering (ESE) also purchased a large amount of Riverbed WAN Accelerators and Region 5 absorbed several of these to meet VBMS WAN Accelerated deployment. Region 5 planned for the original 69 appliances to be covered under the Enterprise Gold Level Support Contract procured by ESE. However, the 69 appliances were not covered; therefore a separate task order is needed.

Despite ESE pursuing an Enterprise Support Contract to cover these appliances, the initiative has remained an unfunded request (UFR). Region 5 recently identified funding to procure the required support to bring VA appliances back into Gold supported maintenance.

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) 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 8, it was determined that limited competition is available for the Riverbed brand name products. Riverbed brand name hardware and software have been successfully deployed across Region 5 for several years with no

performance related problems. No other brand name hardware and software can provide a WAN acceleration product that is capable of executing data reduction and protocol optimization with the existing Riverbed WAN acceleration infrastructure. For this reason, connecting two dissimilar accelerators from two different vendors provides no optimization or acceleration benefit and would result in interoperability and compatibility issues with the currently fielded infrastructure, which is comprised of Riverbed brand name hardware and software. Only Riverbed brand name technology can meet all of the Government's interoperability and compatibility requirements. Maintenance and warranty support are required and must be provided by a Riverbed authorized reseller. Only a Riverbed authorized reseller can provide support for this proprietary commercial-off-the-shelf hardware and software. Maintenance and warranty support performed by parties not authorized by Riverbed will invalidate product warranties and remove liability for system performance from the manufacturer. Furthermore, Riverbed owns the proprietary rights to its solution.

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 this brand name item. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized within 14 days of award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.

7. Actions to Increase Competition: Although the Government is limiting competition as a result of specifying brand name items and services, there are authorized resellers of these products and services on the NASA SEWP IV GWAC. Limited competition for this requirement among these vendors is anticipated. The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed.

8. Market Research: In 2014, the Government technical experts evaluated other brand name manufacturer (Blue Coat and Cisco) to see if they are capable of providing the hardware and software maintenance. Although Blue Coat and Cisco could meet some of the Government's requirements for this effort, both companies could not meet all of the Government's needs to include interoperability and compatibility requirements without completely replacing existing Riverbed infrastructure. Maintenance by any other manufacturer will not connect to the Central Management Console (CMC) used to manage WAN Acceleration throughout VA. Additionally, only Riverbed equipment can connect with existing Riverbed gear to provide optimum WAN Acceleration without having to replace the entire product. This procurement is specific to the hardware and software maintenance and is not a purchase of hardware commodities.

Additionally, a Cost Benefit Analysis was performed by the Government to determine if it is in the Government's best interest to buy new hardware/software with a maintenance plan compared to buying the maintenance on the current hardware/software which includes a reinstatement fee

Therefore, it is in the Government's best interest to procure the maintenance support, to include reinstatement fees. Additional market research was conducted in April 2014 utilizing the NASA SEWP IV GWAC Product Verification and Manufacturer Lookup tools and it was determined that there are 30 authorized resellers of Riverbed brand name hardware and software. Based on this market research, limited competition is anticipated.

9. Other Facts: None