

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

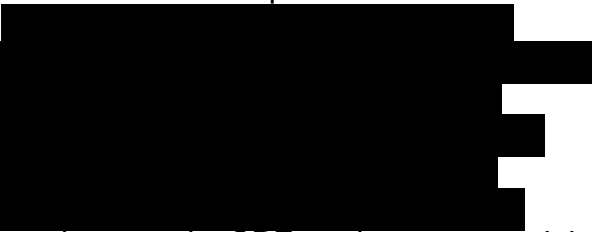

2. Description of Action: The proposed action is for a firm-fixed-price (FFP) delivery order (DO), to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC), for Shunra brand name hardware premium maintenance, enhancement, and support (MES) for the existing Shunra Network Appliances. The period of performance for this action shall be for 12 months beginning on August 8, 2014 to August 7, 2015, with three 12-month option periods.

3. Description of the Supplies or Services: The purpose of this proposed action is to renew brand name hardware premium MES for the existing installation of Shunra Network Appliances used by the VA Office of Information and Technology (OI&T) Capacity & Performance Engineering (CPE) office. Shunra Network Appliances are currently in use at CPE as network emulation tools for network capacity and performance testing scenarios. It is part of CPE's mission to model and construct accurate simulations of VA production Wide Area Network (WAN) system implementations within test facilities. These simulations are used to test various applications that are used throughout VA. The Shunra Network Appliances provide a foundation to build these simulations and provide a safe environment to test applications before they go live. The brand name hardware premium MES features to be acquired include troubleshooting of product-related problems; unlimited customer support via phone, web, or email; hardware warranty for life of support agreement; 24-hour advance replacement of defective parts; firmware updates; and customer technical webinars. The total estimated price of the proposed action (inclusive of options) is [REDACTED].

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 United States Code (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: This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. Based on market research, as described in paragraph 8 of this document, it was determined that limited competition is available among resellers for Shunra hardware premium MES. Shunra Network Appliances provide the capability to re-create real-world user conditions in a pre-deployment environment, dramatically improving the accuracy and reliability of performance test results. Additionally, Shunra Network Appliances enable emulation of multiple locations and user groups,

essential for accurately reproducing environments with mobile and Internet (or Cloud) users. Utilizing any other brand name hardware premium MES does not afford the unique support mechanisms necessary for functioning in the VA infrastructure. Furthermore, the Government does not possess the proprietary technical data for the Shunra Network Appliances premium MES. The Contract Specialist reached out to Shunra to determine if their technical data was available for sale, and was advised that they are not able to sell their technical data to the Government. Without this technical data, no other source has the ability to provide the aforementioned hardware premium MES services other than Shunra or its authorized resellers. This proprietary technical data is needed to access the Shunra Network Appliances' code structure to make sure the premium MES provided meets VA's needs of ensuring the appliances remain operational.

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 hardware maintenance and support. In accordance with FAR 16.505(a)(4)(iii)(A), the justification for use of a brand-name specification will be provided with the solicitation to all NASA SEWP IV contract holders. Furthermore, 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: 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: Market research was conducted in February 2014 to ascertain the ability of any other source other than a Shunra reseller to provide the aforementioned hardware premium MES. 


Shunra is the only product that permits CPE engineers to model and construct accurate simulations of VA production WAN implementations within the test facility and is the only product that can currently satisfy this requirement. Other similar commercially-available premium maintenance, enhancement, and support plans do not have the form, fit, function, or support mechanism. Therefore, based on these reviews, VA's technical experts could not find any other sources that could provide the aforementioned hardware premium MES.
9. Other Facts: None.