

## 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 effort is for a 12-month Firm Fixed Price (FFP) 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 renewal of brand name Hitachi software maintenance and support for the Virtual VA Program Management Office (PMO). The period of performance will be August 25, 2014 through August 24, 2015 with three 12-month option periods.
  
3. Description of the Supplies or Services: Virtual VA PMO has a requirement for the renewal of brand name Hitachi software maintenance and support for existing Hitachi software license currently being utilized by VA. Brand name Hitachi software maintenance and support will provide the Virtual VA PMO capabilities including unified management across all Hitachi storage systems; common management of virtualized storage assets; the ability to manage large storage resource deployments with agentless technologies; and provide end-to-end visibility and correlation of business applications, host servers, virtual machines, and storage devices. The required brand name Hitachi software maintenance and support includes software updates, patches, and software configuration support. The required brand name Hitachi software maintenance and support includes services for the Hitachi software license via the internet and single number toll free customer support phone access 24X7X365. As part of this support, the contractor shall respond within four hours following notification of any issues. Telephonic technical support staff must have the ability to diagnose problems, recommend fixes or workarounds, and, if necessary, begin the process to dispatch a contractor field technician to the location of the software for remediation of the problem. For all issues that cannot be satisfactorily resolved by the contractor through telephone/email support, the contractor shall provide on-site technical support at Hines Information Technology Center (HITC) to assist VA in making the software fully operational within 24 hours of notification of the problem. Additionally, the contractor shall provide all software, travel related expenses and tools necessary to fix the software. [REDACTED]
  
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 market research, as described in Section 8 of this document, it has been determined that limited competition

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is available among resellers for the required renewal brand name Hitachi software maintenance and support. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. Only brand name Hitachi software maintenance and support can meet all of VA's requirements; specifically compatibility and interoperability with VA's existing infrastructure.

The existing brand name Hitachi Command Suite software utilized by VA provides a robust integrated management solution for managing Hitachi Storage Area Networks (SANs). Hitachi SANs are an integral part of the Virtual VA PMO infrastructure and are necessary for the data storage and retrieval that Virtual VA PMO requires. Extensive software coding has been developed and deployed at the Philadelphia and Hines Information Technology Centers to ensure the seamless integration of Hitachi software with the deployed solution. Implementing another brand of software, other than Hitachi, to manage existing SANs supporting Virtual VA PMO applications will require a massive revision and redevelopment of the existing code base to support new software integration. Additionally, implementing software other than Hitachi will also delay VA Office of Information and Technology's (OI&T) ability to support the mission critical Veterans Benefits Management Assistance Program (VBMAP) for up to approximately six months to implement a different software solution. This delay would inhibit VA from quickly executing VBMAP, a critical program assisting in the reduction of the current Veteran claims backlog, which would be detrimental to Veterans.

The required brand name Hitachi software support and maintenance will reduce technical risk to VA by enabling it to protect its original investment in the Hitachi Command Suite Software by providing the Original Equipment Manufacturer (OEM) upgrades, software patches, and software configuration support to ensure that the most current product version is being used by PMO. The dedicated technical support will ensure that issues will be addressed and resolved promptly.

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 required brand name software maintenance and support. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized after award on the Federal Business Opportunities Page to include a copy of this Justification for an Exception to Fair Opportunity. In addition, this Justification for an Exception to Fair Opportunity will be posted with the solicitation on the NASA SEWP website.

7. Actions to Increase Competition: In order to remove barriers to competition in future acquisitions for this requirement, the agency will work with the Program Office to perform additional market research to ascertain if there are changes in the market place that would enable future actions to be competed.

8. Market Research: The Government's technical experts conducted market research in March 2014 by performing extensive internet searches to ensure there are no other sources other than Hitachi or its authorized resellers that could provide maintenance and support for existing brand name Hitachi software currently being utilized by Virtual

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VA PMO. No other sources were found that could meet VA's requirements due to the proprietary attributes of the brand name Hitachi software solution. Additional market research was conducted by VA OI&T Enterprise Operations technical experts during March 2014 to determine if there were alternative software solutions (i.e. Oracle, NetApp, IBM, HP) available to support Virtual VA PMO. Brand name Hitachi Command Suite Software is a brand name product with specific robust path failover and load-balancing SAN multi-pathing capabilities with integrated path management. Further, brand name Hitachi Command Suite Software is the only software compatible with VA's existing Hitachi hardware infrastructure. The implementation of software other than the brand name Hitachi Command Suite Software would prevent VA's Virtual VA program from optimizing its Hitachi SAN hardware. If VA was to procure a brand name software solution, other than Hitachi, all of the SAN hardware would have to be replaced. This approach is not only cost prohibitive given the prior VA investment in Hitachi SAN hardware but also introduces an unacceptable level of risk to data integrity associated with migration to a new SAN solution. Based on these reviews, VA's technical experts could not find any other sources that could meet all of VA's technical requirements and only Hitachi or an authorized reseller of Hitachi software maintenance and support are the only responsible sources for this brand name requirement. Based on these market research efforts, VA's technical experts have determined that only brand name Hitachi maintenance and support meets all of VA's needs and that only Hitachi or an authorized reseller of Hitachi brand name products and services can provide the required Hitachi software maintenance and support.

Finally, in June 2014, utilizing the Manufacturer Lookup Tool on the NASA SEWP IV GWAC website, it was determined that there are 33 authorized resellers of Hitachi products/services that are currently NASA SEWP IV contract holders. Therefore, limited competition is expected for this acquisition.

9. Other Facts: None.