

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, NJ 07724

2. Description of Action:

The proposed action is for a firm-fixed-price delivery order under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC) for HP hardware and software maintenance support.

3. Description of the Supplies or Services:

The proposed action for HP hardware and software maintenance will include 24x7 support with a 4 hour onsite response to support the Chief Business Office Purchased Care, Health Administration Center, Office of Information Technology (CBOPC HAC OI&T). The total estimated price of the proposed action inclusive of options is approximately [REDACTED] for the base year and four 12-month options years.

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 is available among authorized resellers of the required HP brand name hardware and software support and maintenance. This is a brand name justification in support of FAR 11.105, Items Particular to One Manufacturer. Only HP brand name hardware and software maintenance can provide the necessary support to meet the VA's requirements.

The HP server and software has been in use at the CBOPC HAC OI&T office for over 4 years. The infrastructure supports claims processing and the associated needs of the organization.

HP retains the proprietary rights over its software source code and the associated maintenance services. HP has proprietary rights and there are no other vendors, other than HP authorized to provide the maintenance services without voiding the licenses currently in use.

HP hardware software maintenance

6. Efforts to Obtain Competition:

The technical team conducted market research, details of which are in the market research section of this document.

Market research did not yield any additional sources that can meet the Government's requirements. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized at time of award on the Federal Business Opportunities (FB) page and the justification will be made publicly available.

7. Actions to Increase Competition:

In order to remove or overcome barriers to competition in future acquisitions for this requirement, the program office will continue to perform additional market research so that other solutions can be considered.

8. Market Research:

VA Government technical experts and Senior Systems Architects conducted extensive market research in March 2014 by reviewing other similar software and hardware manufactured by International Business Machines (IBM) and Dell. VA technical experts compared these products and only HP has proprietary rights to the software licenses currently being used by VA throughout the virtual infrastructure. The required software maintenance services must be compatible with the existing VA HP software licenses. Given that HP has proprietary rights; there are no other authorized vendors that can provide the maintenance services without voiding the licenses currently in use.

9. Other Facts:

None.