

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 the procurement of brand name Hewlett-Packard (HP) network equipment and hardware supporting the Veterans Informatics and Computing Infrastructure (VINCI) environment. The HP equipment shall be delivered within 30 days of receipt and processing of the DO. Hardware warranty support shall be for 36 months from date of award.
3. Description of the Supplies or Services: The proposed action is to procure HP network equipment and hardware warranty support for the existing VINCI environment to enhance the network up to 10 Gigabytes (GB). The VINCI environment, located at Austin Information Technology Center (AITC), consists of combinations of various HP products. The Government requires this equipment to enhance VINCI's networking capability. The total estimated price of the proposed action 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 authorized resellers for the brand name HP network equipment. The purpose of this acquisition is to enhance the current VINCI HP environment with upgrade of the network equipment located within the AITC. It is critical that all component hardware/software be 100 percent compatible to the existing HP servers and the Storage Area Network (SAN) within VINCI, and that the enterprise support for the infrastructure integrate seamlessly into the enterprise environment with little or no down time or service interruption. No other source other than HP or their authorized resellers can provide the required hardware and warranty support. Procuring any other brand name equipment and support other than HP would result in service delays. Failure to match any of these individual brand named components will result in a compatibility fault that will prevent the VINCI environment from using the disaster recovery functions this acquisition supports.

## VINCI Network Equipment HP Upgrades

In addition, only HP or their authorized resellers possess the expertise and proprietary data necessary to understand the functionality of the aforementioned HP network equipment components, and only HP or HP authorized resellers can provide maintenance for their products.

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 at award on the Federal Business Opportunities (FBO) Page 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 March 2014 to ascertain the ability of any other source other than an HP or an authorized reseller to provide the aforementioned hardware and support. [REDACTED]  
[REDACTED]  
[REDACTED] It was determined that although there are other sources that can provide similar hardware and support for their competing products, they are not compatible with the existing VINCI environment. [REDACTED]  
[REDACTED]
9. Other Facts: None.