

JUSTIFICATION AND APPROVAL
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: This proposed action is for the placement of a Firm-Fixed Price Delivery Order to be issued on the National Aeronautics and Space Administration (NASA) Solutions for Enterprise Wide Procurements (SEWP) IV Government-Wide Acquisition Contract (GWAC) for the procurement of brand name Hewlett Packard (HP) hardware, management software, installation, and warranties to support the Bidirectional Health Information Exchange (BHIE) Development and Test Environment Framework Extension. This requirement is intended to upgrade BHIE configuration management servers, as well as the processors and memory on previously purchased blade servers. The required brand name hardware shall be installed into the development, test, and production and Continuity of Operations (COOP) environments in the Capital Region Readiness Center in Martinsburg, West Virginia.

3. Description of the Supplies or Services: The objective of this procurement is to provide BHIE system equipment upgrades through the procurement of HP hardware, management software, installation services, and warranties. Specifically, VA requires the procurement of one HP BLc7000 Enclosure with management software, sixteen HP BL460cG7 blade servers, installation services, and three-year warranties. The HP hardware will upgrade and expand the current BHIE system to meet current known specific requirements (i.e. existing systems and platform management applications/tools). This procurement will allow VA to continue to replace outdated equipment within the development, test and production, and COOP environments. The total estimated price of the proposed action is \$

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: This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The BHIE system is an interagency project between the Department of Defense (DoD) and VA that allows joint operation of an end-to-end health information exchange system as required by the Office of Management and Budget. The BHIE system infrastructure is established on HP hardware and software. Due to the unique cross-agency and multi-agency compatibility and integration requirements within the BHIE program, only HP hardware can provide for seamless transmission of standards based data which is critical to the operation and exchange of health care information between VA and DoD.

Standards based functionality is required to provide accurate, seamless, and secure data and information exchange between the disparate host systems in VA and DoD. Since this procurement is for enhancements and augmentation of existing hardware and software, only HP hardware and software will provide interoperability with the existing BHIE system hardware and software infrastructure. Further, no other Original Equipment Manufacturer's (OEM's) servers will fit into the existing HP chassis and racks currently in place at the Capital Region Readiness Center in Martinsburg, West Virginia.

6. Efforts to Obtain Competition: The technical team conducted market research, details of which are in the market research section of this document. This effort did not yield any other sources that can meet the Government's technical requirements. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized at award on the Federal Business Opportunities (FBO) Page and the justification will be made publicly available. Additionally, this Justification for an Exception to Fair Opportunity will be posted with the solicitation in accordance with FAR Subpart 16.505(a)(4)(iii)(A)(1).

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: VA Senior Systems Architects and technical experts conducted extensive market research in May 2014 by reviewing other comparable products provided by other OEMs, to include but not limited to Dell, International Business Machines (IBM), and Microsoft; however, the Government's technical experts determined that no other products other than HP hardware and software can meet the Government's interoperability and compatibility requirements. Specifically, no source other than HP provides products that are interoperable and compatible with the existing BHIE infrastructure, which is required since the objective of this procurement is to enhance and augment the existing infrastructure. Moreover, no source other than HP manufactures servers that will fit into the existing HP chassis and racks currently in place at the Capital Region Readiness Center in Martinsburg, West Virginia.

9. Other Facts: Additional market research was conducted to identify potential sources of the required brand name hardware on the NASA SEWP IV GWAC through the issuance of a Request for Information and utilization of the Product Verification Tools tools. This market research determined that there are four resellers of the required HP products, including one source from Group A (Value Added Resellers (VARs) and Computer System OEMs); one from Group B (Service-Disabled Veteran-Owned Small Business (SDVOSB) VARs); and, two from within Group C (Small Business Set-aside VARs). Additionally, NASA SEWP GWAC holders have the ability to add items to their catalog and may respond to the RFQ.

10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

Andrew Carter

Date: August 18, 2014

Program Manager

Signature: 

11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable. Prices under the NASA SEWP IV contracts have already been determined to be fair and reasonable. In addition, further price competition is anticipated amongst the vendors on NASA SEWP. Finally, the successful quote will also be compared to the Independent Government Cost Estimate.

Robert P. Kirzow

Date: 8/18/2014

Procuring Contracting Officer

Signature: 

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$650,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

Robert P. Kirzow

Date: 8/18/2014

Procuring Contracting Officer

Signature: 