

## 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: This proposed action is for a brand name firm-fixed-price delivery order (DO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC).
3. Description of Supplies or Services: The Department of Veterans Affairs (VA) Office of Information and Technology, Enterprise Operations (EO), has the requirement for four brand name Fluke Networks 10 Gigabits Per Second (Gbps) Network Performance Test Kits with Optical Transceiver Module and Wireless Local Area Network suite survey planner Spectrum CrossTalk Analyzer (Fluke Networks Performance Test Kits). These Fluke Networks Performance Test Kits will be used in four EO Data Centers located in Austin, TX, Hines, IL, Martinsburg, WV, and Philadelphia, PA. The Fluke Networks Performance Test Kits will provide these EO Data Centers with the necessary testing equipment to support Data Center Operations requirement for testing network cables up to the required throughput of 10 Gbps. Current in-house testing equipment is capable of certifying fiber cables less than 10 Gbps but not capable of testing the necessary throughput up to 10 Gbps as required by the Network group. Therefore, new tester units for Austin, Hines, Martinsburg, and Philadelphia data centers are required to meet the 10 Gbps throughput testing requirement. Additionally, this action will also provide three years of Fluke Networks Gold Extended Warranty Support which shall provide website and telephone technical support 24 hours a day, 7 days a week, 365 days per year (24x7x365), as well as all manufacturer released software and firmware updates. The delivery of the hardware is required 30 days after receipt of the order. The total estimated value of the proposed action is
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is 41 U.S.C. 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) 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 extensive market research, as described in section 8 of this document it was determined that limited competition is available for the aforementioned brand name hardware and support. EO utilizes Fluke Networks testing equipment at the four data centers to certify existing and newly installed fiber and copper cables. Fluke Networks Performance Test Kits are the only testers that are fully compatible

with the current data center installation. The data centers are 24/7 mission critical operation centers supporting applications and services accessible by our nation's Veterans on a 24x7x365 basis. The data center cabling testing requirements are handled by the Enterprise Connectivity group who are required to respond, as needed, on a 24x7x365 basis. The Enterprise Connectivity group currently utilizes LinkWare (Fluke Networks proprietary software) to download, store, and analyze the test results. LinkWare software has been certified by VA and approved for use on VA desktops. Existing test results require the use of LinkWare software in order to view the results in a text format. Only the testing equipment from Fluke Networks is compatible with the LinkWare software as the software contains proprietary source code and protocols. Only Fluke Networks, or an authorized reseller of the Fluke Networks testing equipment, has access to the source code or can provide hardware that is compatible with the proprietary LinkWare software's source code and protocols. Use of any other testing hardware would not allow test results to be downloaded onto the LinkWare software, which may lead to lost or incomplete testing and network data. If a new tester and related software is procured, this software would be required to go through a recertification process (which would take an estimated five months to complete) before it can be approved on the VA network. No testing data would be available until installation of the software is complete. Any lapse in service for the aggregation of testing data would result in the Enterprise Connectivity group being unable to respond to connectivity issues which may lead to network downtime, significantly hampering VA in completing mission critical tasks. The Fluke Networks test equipment and the associated maintenance support provided directly from Fluke Networks is the only hardware that is compatible with the existing Fluke Networks testing system which is currently operational and meets all VA requirements. The Enterprise Connectivity staff responsible for performing the in-house cable testing is trained on the use and operation of Fluke Networks testing equipment and the associated Fluke Networks testing software required to read the test results. Failure to procure brand name Fluke Networks Performance Test Kits would result in a lapse in testing services and loss of testing data which may result in network downtime adversely affecting multiple VA organizations and the services accessed by Veterans.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the section 8 of this justification. This effort did not yield any additional sources that can meet the Government's requirements. It was determined that limited competition is available among authorized resellers for the required brand name Fluke Networks Performance Test Kits and associated warranty services. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsized within 14 days of award on the Federal Business Opportunities Page and this justification will be made publicly available. In accordance with FAR 16.505(a)(4)(iii)(A), the justification will be posted with the request for quote on the NASA SEWP V GWAC website with the solicitation to notify all interested parties.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would enable future actions to be competed.

8. Market Research: The Government's technical experts performed market research in July 2015, by performing a web-based market research on commercial providers of other cable testing products including Vonaq Ltd's BL2000A and Ideal Networks Lantek Series Cable Testers. While both of these manufacturers have the ability to test throughputs of 10 Gbps, neither has the ability to interoperate with VA's current Fluke Networks testers and network testing (LinkWare) software, as neither have access to the Fluke Networks proprietary source code. Testing hardware that is compatible with the LinkWare software is only available from Fluke Networks or an authorized Fluke Networks reseller. Based on the above, it has been determined that only Fluke Networks Performance Test Kits and associated warranty services meets all of the Governments requirements. In August 2015, additional market research was conducted on the NASA SEWP V GWAC which found that numerous resellers of the product were available.

9. Other Facts: None.

