

## JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs  
Office of Acquisition Operations  
Technology Acquisition Center  
23 Christopher Way  
Eatontown, New Jersey 07724

2. Description of Action: The 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 Government-wide Acquisition Contract (GWAC) for a procurement of brand name VMWare Realize Operations (vROps) Manager software licenses and technical support.

3. Description of Supplies or Services: The Department of Veterans Affairs (VA), Office of Information and Technology, Service Delivery and Engineering, Field Office Region 2 has a requirement for the acquisition of brand name vROps Manager software licenses and technical support. Region 2 is responsible for maintaining platform operations for 38 VA locations and their remotely supported staff. Under this proposed action VA will procure 80 operation packs of VMWare vROps software licenses that will support these locations and operations. Currently Region 2 utilizes VMWare vROps Manager software licenses to monitor all of the Region's virtual resources. Adding additional VMWare vROps Manager software licenses would provide full monitoring of the existing infrastructure, integrating and building upon current management resources. The technical support coverage shall include one helpdesk number that will be monitored 24 hours a day x 7 days a week x 365/366 days per year with initial response to all requests for maintenance within one hour of the initial notification from VA. The period of performance for this action is September 23, 2015 through September 22, 2016. The

[REDACTED]

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 software and technical support. VMWare vROps software licenses are currently implemented in Region 2 and only VMWare vROps software licenses can meet the requirements to monitor VA's current environment due to the proprietary software source code of the currently implemented VMWare vROps software licenses in Region 2's infrastructure. If VA were to purchase different management software, current VA systems would not be compatible and would not meet the functional and interoperability requirements of VA. Only VMWare or an authorized reseller of VMWare products and/or services can generate the specific functional license necessary for compatibility with existing

## vROps Manager Software License Procurement and Technical Support

management software. If vROps Management software licenses and technical support are not procured, VA Region 2 would not be able to fully and accurately monitor and implement management resources which are responsible for maintaining platform operations conducted for the 38 VA locations and remotely supported staff operating under Region 2. These specific licenses are generated using a VMWare license management system as the VMWare licenses contain proprietary software source code. No other manufacturer utilizes, operates, or has access to the VMWare license management system or the software source code for the VMWare vROps software. Only VMWare or its authorized resellers are able to provide the required licenses and support that will allow VA to meet its interoperability requirements with existing management software.

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 Vyopta vAnalytics software licenses, installation, configuration, integration, testing, and user training. 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 market place that would enable future actions to be fully competed.

8. Market Research: Market research was conducted in July 2015 by a panel of Government technical experts. Specifically, the Government's technical experts conducted web-based research on web sites. When conducting market research, the Government's technical experts reviewed similar software license products and associated support services from Solar Winds and Foglight to ascertain if these other sources could meet VA's requirements but it was determined that these sources were unable to meet VA's functional and interoperability requirements. As a result of the market research the technical experts confirmed that VMWare vROps software licenses and support are proprietary in nature and is the only software and support that is compatible and interoperable with Region 2's existing software infrastructure. No other vendor besides VMWare or an authorized reseller of VMWare products and services has the capability of providing renewal of the VMWare vROps software licenses and technical support coverage for necessary to support existing Region 2 requirements. VA's functional requirements and integration with existing installed software results in no other product other than VMWare vROps software licenses and technical support coverage being able to meet these requirements. Based on the above, the Government's technical experts have concluded only VMWare vROps software licenses and technical support coverage meets all of the Government's requirements. In July 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.

