

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: This proposed action is to procure a Cisco Systems, Inc. (Cisco) Nexus 7009 Data Center Switch, associated software, installation, configuration and testing support on a firm-fixed-price delivery order to be issued against the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC).
3. Description of Supplies or Services: VA, Office of Information and Technology (OI&T), Service Delivery and Engineering (SDE), Enterprise Operations (EO), Quantico Information Technology Center (QITC), Quantico, Virginia requires a Cisco Nexus 7009 Data Center Switch, to include Nexus 5000 fiber interconnects, fiber runs, cable tray, and associated hardware, software, maintenance and support. This switch will serve as the backup to the primary Nexus 7009 Data Center switch currently in place at the QITC and will provide failover/redundancy to data center operations. Delivery of all hardware and software, including installation, configuration, and testing shall occur within 60 days of delivery order award. The period of performance for the hardware and software maintenance shall be 12 months from the date of delivery order award.
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) 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 was determined that limited competition is available for the required Cisco Nexus 7009 Data Center Switch and additional hardware, software, maintenance and support among authorized resellers. The Cisco Nexus 7009 Data Center switch is specifically designed to support the Data Center capacity and network workload of constant switching environments. The Cisco Nexus 7000 Series Switches and associated software support the Cisco Nexus internal operating system (NxOS) software platform currently in use within the QITC data center. No other switches or software can interoperate with the NxOS platform as the code used to run the software platform is proprietary to Cisco. No other source can provide the required maintenance and support due to the proprietary nature of the source code that's required to configure the hardware and to push any required software updates. Acquiring a different brand switch and installing it within the current network infrastructure would cause a

network wide outage, disrupting communication and availability of both internal and external VA critical applications. Therefore, no other switch other than Cisco Nexus 7009 can meet all the Government's requirements.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. This effort did not yield any additional sources that can meet the Government's requirements. It was determined however, that limited competition is anticipated among authorized resellers for the Cisco Nexus 7009 Data Center Switch and additional hardware, software, maintenance and support on the NASA SEWP V GWAC. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized within 14 days of award on the Federal Business Opportunities Page and the justification will be made publicly available. In accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation to all contract awardees on the NASA SEWP V GWAC

7. Actions to Increase Competition: The Government will continually conduct market research by surveying the marketplace to determine if there are any other data center switches that can meet VA's needs to allow for future competitive procurement.

8. Market Research: The Government's technical staff conducted market research in June 2015 by researching other similar hardware, software, and services from Brocade Communications Systems, Inc., Juniper Networks, Inc., and Hewlett Packard to ascertain if other products and services could meet the Government's requirements for interoperability and compatibility within QITC's existing infrastructure currently composed of only Cisco products. The Government's technical staff determined that the only products and services that could meet VA's needs were the Cisco Nexus 7009 Data Center Switch and associated support; which can be obtained only through Cisco or an authorized reseller. No other switch can interoperate with the current QITC network infrastructure as the code used to run the current NxOS platform is proprietary to Cisco.

Finally, market research was conducted in May 2015, by utilizing the Provider Lookup tool, to ascertain the extent of limited competition among resellers. Through review of the NASA SEWP V GWAC website, 122 resellers of Cisco products and services that hold GWACs were identified that could possibly meet VA's needs. Therefore limited competition is anticipated.

9. Other Facts: None.