

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: The proposed action is for a Firm-Fixed-Price delivery order, which will be issued under the Enterprise Printer Contract, Multiple Award Indefinite Delivery, Indefinite Quantity (IDIQ) Contract Number VA118-15-D-0101 with HMS Technologies, Inc. (HMS) for network printers.
3. Description of the Supplies or Services: VA, Office of Information and Technology, Service Delivery and Engineering, VA Central Office, Information Technology System Support (ITSS) requires a printer replenishment that includes 200 small duty monochrome printers and 5 large duty color printers with a 3-year extended warranty for all printers. These printers are to replace obsolete and end of life printers currently being used in various ITSS locations. Printers shall be delivered to the specified locations within 30 days after award. The total estimated value of the proposed action is **REDACTED**.
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(4) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(D), entitled "It is necessary to place an order to satisfy a minimum guarantee".
5. Rationale Supporting Use of Authority Cited Above: The proposed source for this acquisition is HMS, 1 Discovery Road, Martinsburg, WV 25403. This IDIQ contract was made competitively, which included FAR 52.216-22, Indefinite Quantity, which establishes the minimum guaranteed value of \$50,000.00 for each contract award made under the Enterprise Printer Contract IDIQ. This delivery order is being issued to HMS to satisfy the minimum guarantee. The Government has determined HMS to be a capable source for delivering the required printers.

VA's intent was to first compete delivery orders to the three awardees in an attempt to satisfy the minimum guaranteed amounts without utilizing this sole source authority. Three requirements have been competed, but none have resulted in award to HMS. Due to the pending fiscal year end on September 30, 2015, the surest method of fulfilling the contractually required minimum guarantee is through the issuance of a delivery order utilizing the stated authority.
6. Efforts to Obtain Competition: There is no competition anticipated for this action as it is being issued to meet the mandatory minimum guaranteed value for this IDIQ contract. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized

at award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.

7. Actions to Increase Competition: As previously stated, this delivery order is being issued to satisfy the IDIQ contract's mandatory minimum guaranteed amount. During performance of the Enterprise Printer Contract IDIQ, VA anticipates that all future actions will be competed under fair opportunity by following the ordering procedures identified in FAR 16.505(b)(1).

8. Market Research: ITSS has performed market research by analyzing the printer specifications to identify the type of printer required to fulfill its needs. Due to satisfying the IDIQ contract's mandatory minimum guaranteed amount, further market research was not performed.

9. Other Facts: None