

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 for a brand name 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 the Supplies or Services: VA Office of Information and Technology, Service Delivery and Engineering, Enterprise Operations (EO), Mainframe Management Service Line Division has requirements for upgrade of existing EO-owned BMC Software Inc. (BMC) software licenses. This upgrade is required in support of the Austin Information Technology Center (AITC) z196 mainframe technical refresh project. The refresh will provide additionally needed capacity for a fail-over capability for virtual Linux servers running on the AITC zEC12 mainframe computing infrastructure and create additional virtual server capacity to support growth of VA users and applications across the enterprise. Delivery is required 30 days after 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 justification, it was determined that limited competition is viable among authorized resellers for the required BMC software license upgrades. EO currently uses BMC software in its mainframe virtual infrastructure. BMC is the only brand software that meets the Government's requirements for providing additional capacity for a fail-over capability for virtual Linux servers within the VA's current mainframe virtual server infrastructure. No other software is compatible or interoperable with the existing BMC software components currently integrated in the mainframe virtual infrastructure. For any virtual server infrastructure to function, it must be able to adapt and grow in size (number of servers) to support the increasing number of applications and associated customer users. In order for the underlying hypervisor (software that creates virtual servers) to manage growth to support applications that need more processing capacity, the operating system in use on the virtual servers must be compatible and interoperable with the existing BMC software environment executing the application. Acquiring different brand operating system software for the virtual servers would create a situation in which the existing applications could not be used due to compatibility issues. Therefore, no brand software other than BMC can meet all the Government's requirements.

Austin Information Technology Center (AITC) Mainframe (z196) Technical Refresh  
(BMC) Software  
TAC-15-23634

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 resellers of BMC software upgrades on the NASA SEWP V GWAC. Additionally, 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 software products that can meet VA's needs to allow for competitive acquisition of future requirements.

8. Market Research: The Government's technical staff conducted market research in April 2015 by researching other similar virtual server software from VMware, Sun, Oracle, and International Business Machines to ascertain if other products could meet the Government's requirements for interoperability and compatibility with EO's existing mainframe architecture currently comprised of BMC software. The Government's technical staff determined that the only software that could meet VA's needs was BMC, which can be obtained only through BMC or an authorized reseller. No other software is compatible and can interoperate with current AITC mainframe virtual server infrastructure.

Finally, market research was conducted in June 2015 to ascertain the extent of competition among authorized BMC resellers. Using the Provider Lookup Tool on the NASA SEWP V GWAC website, 21 resellers of BMC products and services were found that could possibly meet VA's needs. Therefore limited competition is anticipated for this action.

9. Other Facts: None.