

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 brand name firm-fixed-price delivery order issued under 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: The proposed action is for NetApp hardware, software, installation services and warranty support. Specifically, a need exists for NetApp Common Internet File System (CIFS) licensing, NetApp SnapVault licensing, Disk Array Enclosures (DAEs), installation services, and four years of premium warranty support for the Office of Information and Technology, Service Delivery and Engineering, in support of the Field Operations Region (R1) File System Augmentation project. The NetApp DAE will expand the current storage capacity capabilities across R1 on existing NetApp Flexpod Storage appliances. Warranty services will ensure the hardware and software remains operational. The period of performance shall cover delivery and installation. The Contractor shall deliver all associated hardware within 60 days from the date of award. All installation, setup and configuration of the servers for all R1 locations shall be completed within 150 days from the date of award. Four years of premium warranty support is included with the procurement of the DAEs. 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)(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 the market research, as described in section 8 of this justification, it has been determined that limited competition is available for the required NetApp hardware, software, installation services and warranty among authorized resellers. NetApp Flexpod storage equipment is already in place in 36 R1 medical centers and two backup data centers. NetApp is the only source that can meet all VA's technical requirements to include interoperability and compatibility with the existing NetApp Flexpod storage infrastructure. Specifically, NetApp is the only source capable of providing CIFS and SnapVault software license keys and additional DAEs that are fully compatible with the existing storage systems, data mover enclosures, disk-array enclosures and control stations. No other source can provide software license keys or storage array shelves that would be operational with the current NetApp storage systems back

end. Utilizing hardware and software other than NetApp would require in a complete replacement of the current infrastructure due to interoperability and compatibility issues which would cause VA to lose its current central management tool functionalities, such as OnCommand System Manager, OnCommand Unified Manager, and OnCommand Performance Manager. Failure to obtain the aforementioned NetApp hardware and software would have a direct and significant negative impact to VA. Without the NetApp CIFS and SnapVault software license keys and DAEs, the existing systems will be at their end of life and no longer supported, sites will run out of data storage space, which would immediately cease VA users' abilities to safely store critical documents and backups for Veteran healthcare and benefits information.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. Although the Government is limiting competition, there are multiple authorized resellers of the required brand name NetApp hardware, software, installation services and warranty on the NASA SEWP V GWAC. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and the justification will be made publicly available within 14 days of award on the Federal Business Opportunities Page. 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: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to perform additional market research so that other solutions can be considered.

8. Market Research: The Government's technical experts conducted market research in July 2015 by reviewing other similar storage hardware and software brands, such as EMC and Dell products. Based on this research, the Government's technical experts determined that no other sources could provide CIFS and SnapVault software license keys or DAEs that would work with existing NetApp storage systems. Only NetApp can support the existing NetApp storage infrastructure. No other vendor can meet the Government's interoperability and compatibility requirements with the existing NetApp Flexpod storage systems within R1 medical and data centers.


Additional market research was conducted by using the NASA SEWP V GWAC Provider Lookup Tool on September 1, 2015 to search for NetApp authorized resellers. The search yielded 60 vendors who offer NetApp products or services, including 25 authorized resellers. In addition, the NASA SEWP V GWAC has a dynamic catalog where line items can be added based on customer requests; therefore, as long as the required item or service is within scope of the NASA SEWP V GWAC, items and services can be added to the catalog on a daily basis. Therefore, limited competition is expected for this proposed action.

9. Other Facts: None.

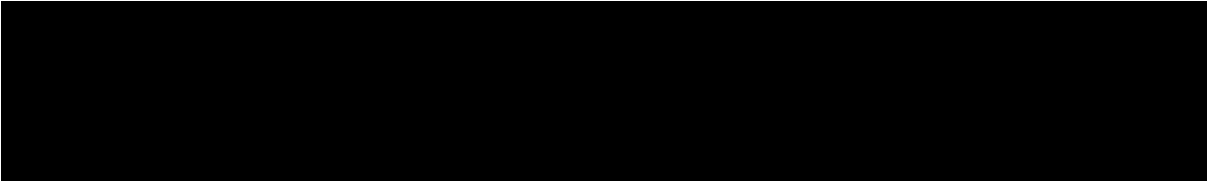
10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.




11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on the expectation of competition among authorized resellers. Additional price analysis will be conducted consisting of a comparison of the successful quote to the Independent Government Cost Estimate, published commercial pricing, and the awardee's NASA SEWP V GWAC catalog pricing.



12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.



13. Legal Sufficiency Certification: I have reviewed this justification and find it adequate to support an exception to fair opportunity and deem it legally sufficient.



Approval

Based on the foregoing justification, I hereby approve the acquisition of NetApp hardware, software, installation services and warranty in the estimated amount of [REDACTED], on an other than fair opportunity basis pursuant to Section 41 U.S.C. 4106(c)(2), subject to availability of funds, and provided that the property herein described have otherwise been authorized for acquisition.

[REDACTED]