

## JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition and Logistics  
Technology Acquisition Center  
260 Industrial Way West  
Eatontown, New Jersey 07724
2. Description of the Action: The proposed action is for the procurement of Operations, Maintenance, Administration, Provisioning, and Repair (OMAPR) services for the Enterprise Voice System (EVS) Proof of Concept sites, which may include support for the migration of services to new EVS expansion sites and continuing OMAPR support for the new sites. In support of this effort the Government requires brand name VMWare software licenses and maintenance support. This requirement will be solicited on the Transformation Twenty-One Total Technology (T4) Indefinite Delivery Indefinite Quantity (IDIQ) contract vehicle.
3. Description of Supplies or Services: The Office of Information and Technology (OI&T), Service Delivery and Engineering (SDE), Enterprise Systems Engineering (ESE), and Office of Information Security (OIS) requires the procurement of VMware vSphere Standard CPU licenses for use on Cisco Unified Communications Servers (UCS) to support the maintenance and expansion of the Enterprise Voice System within the VA. The total estimated price of the required licenses is [REDACTED] inclusive of all option periods. The period of performance for this effort is 12 months from date of award with four 12-month option periods.
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: VA is required to utilize an Enterprise Virtual Machine Platform that is approved by the National Institute of Standards and Technology (NIST) in accordance with FIPS 140-2. As of April 2013, the only current Enterprise Virtual Machine Platform under NIST Federal Information Processing Standard (FIPS) 140-2 cryptographic evaluation is VMware. FIPS 140-2 is a Federal cryptographic processing standard that is used throughout other Federal agencies and will render the VBECS system incompatible with other Federal agency supporting systems if VMware is not procured. The VMware Enterprise represents approximately 3,000 systems in VA Office of Information and Technology (OIT) varying from Mission Critical data servers to Food and Drug Administration (FDA) certified patient-data systems classified as medical devices, to Development and Test systems including Mainframes. Variances from a VMWare Enterprise Virtual Machine Platform on these systems represents a major change in the operations

and current accreditations (C&A) of these systems and would require recertification, validation, testing and application redevelopment for any other Enterprise Virtual Machine Platform chosen.

VA has invested in the VMware Virtual Machine infrastructure, staffing, training, and program management and has already migrated a majority of the subscriptions to the VA National Network management solution. System Center Configuration Manager (SCCM) does not support the management of other Enterprise Virtual Machine Platform. If another Enterprise Virtual Machine Platform is introduced it will have to come with its own management tools, staff, training, and program management. VA maintains approximately 60 fulltime Enterprise VMWare engineers trained specifically in VMware solutions. An effort to train staff in other Enterprise Virtual Machine Platform would add approximately \$680,000 in costs.

If a software product other than VMware is selected, the architectural design of approximately 3000 development, test, preproduction and production systems including Mission Critical VMware systems would have to be re-engineered and re-validated. This would result in substantial duplication of costs and introduce risk to VA.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Competition is not anticipated for this required brand name item.
7. Actions to Increase Competition: In future acquisitions for this requirement, the agency will work with the program office to perform additional market research so that other possible solutions can be considered. If other products become available that meet compatibility requirements with the existing hardware, solicitations for future requirements will utilize "brand name or equal" language, if it is in the Government's best interest to do so. In accordance with FAR 5.202(a)(6), this effort is exempt from synopsis since the proposed contract action is an order placed under an existing Indefinite Delivery/Indefinite Quantity (ID/IQ) contract.
8. Market Research: The Government technical experts determined no other Enterprise Virtual Machine Platform can meet the NIST compliance in accordance with FIPS 120-4 compliance. 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 Standard software licenses and support are proprietary in nature and is the only software and support that is compatible and interoperable with EVS'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 Standard software licenses and technical support coverage for necessary to support EVS's requirements. VA's