

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-priced 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 the acquisition of 15 brand name NetApp Disk Array Enclosures (DAEs) and 10 Common Internet File System (CIFS) software licenses with 1 year warranties for the Office of Information and Technology, Service Delivery and Engineering, Field Operations Region 3 in support of the Region 3 FlexPod File System Augmentation project. These brand name items will provide for expansion the storage system capacity capabilities for 13 facilities across Region 3 on existing NetApp FlexPod Storage appliances. The period of performance includes delivery and installation of required hardware and software within 120 days after contract award, followed by one year of warranty support. 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: This is a brand name justification in accordance with FAR 11.105, Items Peculiar to One Manufacturer. Based on the market research, as described in section 8 of this document, it's been determined that limited competition is available for the aforementioned NetApp brand name DAEs, CIFS software, installation services and warranty among authorized resellers. The purpose of this acquisition is to augment the current FlexPod infrastructure and increase storage capacity across Region 3 facilities. No hardware and software provider other than NetApp or its authorized resellers is capable of providing additional DAEs and CIFS software that are fully compatible with the existing storage system infrastructure including data mover enclosures, disk-array enclosures, and control stations. Specifically, due to proprietary source code and protocols no other source can provide DAEs and CIFS software that will be operational with the current storage systems back end configuration. Therefore, no other solution is interoperable or compatible with the existing NetApp FlexPod storage arrays installed at numerous VA Medical Centers and other facilities across Region 3.

6. Efforts to Obtain Competition: Market research was conducted in July 2015, details of which are in the market research section of this document. This effort did not yield any additional sources that could meet the Government's technical requirements. Although the Government is limiting competition as a result of specifying NetApp brand name DAEs, CIFS software, installation services and warranty there are multiple authorized resellers of these products that hold current NASA SEWP V GWACs. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the award notice for this action will be synopsisized and this justification will be made publically available on the Federal Business Opportunities website within 14 days of award. In addition in accordance with FAR 16.505(a)(4)(iii)(A) this justification will be posted with the solicitation on the NASA SEWP V website with the solicitation.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will continue to perform market research to ascertain if there are changes in the marketplace that would enable future actions to be competed.

8. Market Research: Market research was conducted by VA technical experts in July 2015 by reviewing other similar storage hardware and software products, to include those provided by EMC Corporation, International Business Machines, and Hewlett Packard. The market research, which was conducted by a review of industry websites, discussions with third party contractors, and analysis of storage array product offerings demonstrated that other Original Equipment Manufacturers do not provide DAEs and CIFS software that are technically compatible with the existing Region 3 FlexPod infrastructure. Additional market research was conducted by the Contract Specialist in September 2015 using the NASA SEWP V Provider Look-up tool to identify GWAC holders offering the required NetApp DAEs and CIFS software as authorized resellers. This search identified numerous NASA SEWP V GWAC holders capable of providing the required brand name NetApp DAEs and CIFS software as authorized resellers.

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.

Alex Alcantara

Date: 9/17/15

Region 3, Storage Supervisor

Celso A Alcantara
Signature: 385224

Digitally signed by Celso A Alcantara 385224
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=alex.alcantara@va.gov,
cn=Celso A Alcantara 385224
Date: 2015.09.17 10:11:44 -0400

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 upon anticipated price competition among NASA SEWP V GWAC holders for the required brand name NetApp DAEs, CIFS software, installation services and warranty. Additionally, NASA SEWP has already determined that the product prices on its GWACs are fair and reasonable. Finally, price analysis shall be conducted by comparing the successful quote to the Independent Government Cost Estimate.

Robert Kirzow

Date: 9/17/2015

Procuring Contracting Officer

Signature: Robert Kirzow

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$650,000.00, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

Robert Kirzow

Date: 9/17/2015

Procuring Contracting Officer

Signature: Robert Kirzow