

## JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center – Austin  
1701 Directors Blvd  
Austin, TX 78744
2. Description of Action: The proposed brand name acquisition is for a firm-fixed-priced delivery order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC). This brand name requirement is only a portion of the full procurement for the Region 3 non-Vista data center (NVDC) storage augmentation project.
3. Description of the Supplies or Services: The VA, Region 3 Office of Information and Technology, Service Delivery and Engineering requires seven NetApp brand name disk array enclosures (DAE), four NetApp brand name Common Internet File Services (CIFS) software licenses with one year warranty, and two brand name Brocade fiber channel software licenses in support of the Region 3 NVDC storage augmentation project. Region 3 is geographically located across the midwestern and southeastern United States covering a territory stretching from Michigan to Florida and includes a facility in Puerto Rico. The 44 medical centers in this Region are served by two NVDCs. Veterans Integrated Service Networks (VISN) 6, 7, and 8 are served by a southern tier datacenter located in Orlando, Florida, while VISNs 9, 10, and 11 are served by a northern tier datacenter located in Cleveland, Ohio. These brand name items will, in part, expand the current storage capacity and licensing capabilities of these two NVDCs on existing NetApp Flexpod Storage appliances and Brocade platforms. The total estimated value of the proposed NetApp brand name action is [REDACTED] and the total estimated value of the proposed Brocade brand name action is [REDACTED]. The total estimated price for the full procurement is [REDACTED], to be delivered within 30 days after receipt of order.
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. More than one awardee is capable of providing the supplies required, but fair opportunity is limited by restriction to a brand name. The NetApp Flexpod FAS8020 storage equipment is already in place in the aforementioned facilities. NetApp is the only brand that can meet all of VA's technical requirements to include interoperability and compatibility of existing NetApp Flexpod storage infrastructure. Specifically, NetApp is the only product capable of providing additional DAE's and CIFS software licenses fully compatible with the existing storage systems, data-mover enclosures,

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and disk-array enclosures. Therefore, no other solution is interoperable or compatible with the existing NetApp Flexpod storage array currently installed at the VA Medical centers.

Brocade fiber channel switches were previously purchased and implemented by the national archival project in support of facility data protection. The fiber channel switches are already in place and additional Brocade fiber channel software is needed to install additional servers to the environment. The introduction of a different software product would result in unserviceable licenses since the physical fiber channel switches would not validate other licenses. No other fiber channel software can meet the Government's existing infrastructure interoperability requirements. Therefore, no other license is interoperable or compatible with the existing brocade fiber channel switches.

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 could meet the Government's technical requirements. However, it was determined that limited competition is viable among resellers for these brand name items. 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 webpage. In addition, the justification will be posted on the NASA SEWP V GWAC website with the solicitation to notify all interested parties.

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: The Government's technical experts conducted market research for the NetApp brand name portion of the requirement in October 2015, by reviewing other similar hardware to include those provided by [REDACTED]. Based on the market research conducted, the Government's technical experts determined that no other storage vendor can provide storage array enclosure for the existing NetApp Flexpod storage systems since they are not technologically compatible with other vendors' hardware systems. 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 DAE's and CIFS software licenses that are compatible with the existing Region 3 NetApp FlexPod infrastructure.

The Government's technical experts also conducted market research for the Brocade brand name portion of the requirement in November 2015, by reviewing software for similar systems, such as the [REDACTED] and [REDACTED]. Government technical experts concluded that other brands of fiber channel software would not work due to Brocade proprietary codes. Based on the

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market research conducted, the Government's technical experts determined that only Brocade fiber channel software can meet the Government's requirements for the existing Brocade 6510 fiber channel switches. Therefore, no other software is compatible with the Brocade fiber channel switches.

VA conducted additional market research in December 2015 by using the NASA SEWP V GWAC Provider Lookup and Quick Request for Information (RFI) tool. Additionally, an RFI was posted on the NASA SEWP V GWAC website to Groups B1, B2, C, and D on October 20, 2015, which yielded multiple responses. Based on this market research, it was determined that several resellers under NASA SEWP V GWAC are capable of meeting the full requirement.

9. Other Facts: None