

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, Product Development has a requirement for the procurement of brand name Hewlett Packard (HP) Commvault Simpana Data Protection Foundation (DPF) Data Life Cycle software, maintenance, warranty, technical support and training to augment the data storage and processing infrastructure for the Veterans Informatics and Computing Infrastructure (VINCI) program which provides a comprehensive repository of data used by VA research personnel across the enterprise. The required HP software will be integrated into the established VINCI backup environment hardware located at the Austin Information Technology Center (AITC), Austin, Texas. Technical support and training services shall be completed within 12 months from date of award. The period of performance for the software maintenance and warranty shall be 12 months from the date of software acceptance by the Government.

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) as implemented by 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 available among authorized resellers for the required HP brand name backup software, maintenance, warranty, technical support, and training services. The purpose of this acquisition is to enhance the current VINCI HP environment with additional backup capacity functionality for the existing HP servers located within the AITC. A critical function of the VINCI infrastructure is to provide backup capability of its research data and information to the VA Corporate Data Warehouse (CDW). Since the CDW infrastructure is almost exclusively HP hardware and software, no other Original Equipment Manufacturers' (OEMs) software products can be utilized in the VINCI infrastructure as the required software must be 100% compatible with the existing CDW HP brand infrastructure hardware and software. Were another product to be procured, there would be significant risk that research data information would fail to transition from

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VINCI to CDW, and VA would be at risk of losing the backup capabilities necessary to ensure continuity of operations. The VINCI hardware/software infrastructure must mirror the CDW hardware/software infrastructure without deviation to assure seamless transition of data processing and storage functionality, especially in the event of the catastrophic failure. In that kind of situation, VA would lack critical backup capability and Veterans' personal health information and personally identifiable information used in conjunction with research data would be at risk. No other software product, other than the required brand name HP Commvault software, is interoperable with the existing VINCI and CDW software, and provides 100% compatibility with all components of the existing VINCI and CDW infrastructure. Additionally, only resellers of the HP Commvault software can provide the required technical support and training services as access to proprietary information and material required to provide these services is only available to authorized resellers and certified trainers of the HP Commvault software.

6. Efforts to Obtain Competition: Market research was conducted in support of this acquisition, the 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 for the required HP brand name backup software, maintenance, warranty, technical support, and training services among authorized resellers that currently hold NASA SEWP V contracts. 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 web site.

7. Actions to Increase Competition: The Government will continually conduct market research by surveying the marketplace to determine if there is any other backup software, maintenance, warranty, technical support and training services that can meet VA's needs to allow for a future competitive procurement.

8. Market Research: Market research was conducted by Government technical experts in October 2015 by reviewing other OEM brand products available on the NASA SEWP V GWAC in to determine the availability of backup software, maintenance, and ancillary services capable of meeting VA's requirements, including International Business Machines Spectrum Protect and Microsoft Data Protection Manager. Although these two alternative products offer backup solutions that are capable of providing petabytes of storage, neither of these products can integrate with the existing VINCI management tools and are thus incompatible with the VINCI infrastructure. Additionally, neither the IBM nor the Microsoft product can support VINCI's critical CDW backup function for healthcare research data accessed by VA research staff throughout the agency. The existing VINCI infrastructure is comprised almost exclusively of HP products and after market research, HP Commvault Simpana DPF was identified as the only software solution that meets compatibility, interoperability and scalability requirements with the existing VINCI and CDW infrastructure environments. In October 2015, the Contract Specialist conducted additional market research to ascertain the extent of limited

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competition among resellers. Through use of the Provider Look-up tool on the NASA SEWP V GWAC website, numerous resellers of the required HP products were identified that could possibly meet VA's needs. Therefore limited competition is anticipated for this action.

9. Other Facts: None.