

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-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: VA, Office of Information and Technology, Enterprise Program Management Office, has a requirement for the procurement of Apple MacBook Pro 15" laptops, thirty (30) brand name Apple iPad Air 2nd Gen tablets, fifteen (15) brand name Apple iPhone 6S+ mobile phones, fifteen (15) brand name Apple iPhone 6S mobile phones; twelve (12) brand name Samsung Galaxy S6 Edge Plus mobile phones; twelve (12) brand name Samsung Galaxy Note 5 mobile phones; fourteen (14) brand name Samsung Galaxy Note 10.1 tablets; fifteen (15) 2.5" 960GB SATA III Internal Solid State Drives (SSDs); fifty-four (54) mobile phone service and data plans; and fifty (50) brand name or equal Incase hard shell cases for the MacBook Pro laptops to support development and testing of mobile applications for the Mobile Application Program. The brand name hardware identified herein represents hardware currently utilized by Veterans and VA clinical staff and will be utilized as test units for the development and testing of mobile applications for these devices to ensure the developed applications properly work on the target devices. The total estimated price of the brand name requirements associated with this requirement is [REDACTED]. The total estimated value of this action, inclusive of the non-brand name requirements, is [REDACTED]. Delivery of the hardware is required no later than 30 days after award.
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) Subpart 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 document, it was determined that limited competition is available among resellers of the required brand name Samsung and Apple equipment. The Mobile Application Program team is required to develop and test mobile applications that run on iOS and Android operating systems and work on the target devices currently used by Veterans and VA Clinical staff. The Mobile Applications Program team requires the procurement of brand name Apple devices as they are the only devices that run the iOS developer tools required to develop and test iOS applications for the iOS devices currently in use by Veterans and VA clinical staff.

Mobile Application Program Hardware

Additionally, the mobile team requires the specific Samsung Android devices identified herein because they are the devices currently utilized by Veterans and VA clinical staff for which the mobile applications will be specifically developed. Since the brand name products identified herein represent test units for the specific devices currently utilized by Veterans and VA clinical staff, no other products, other than the required brand name Apple and Samsung products, can be procured as test units for the VA developed mobile applications.

6. Efforts to Obtain Competition: Market research was conducted in March 2016 through May 2016, details of which are in the market research section of this document. The research did not yield any alternative products that can meet the Government's requirements other than the Apple and Samsung products specified in Paragraph 3 above that can meet the VA's requirements. Although the Government is limiting competition by specifying Apple and Samsung brand name products, it was further determined that there are multiple authorized resellers of these brand name products that hold 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 the requirements described herein, the agency will continue to perform market research to ascertain if there are changes in the market place that would enable future actions to be competed.

8. Market Research: Market research was conducted from March 2016 through May 2016 by the Government's technical experts by conducting internet searches for hardware that operates on the Apple iOS. Based upon the market research conducted, the VA technical experts determined that there is no other hardware available that operates on the Apple iOS and, therefore, no other hardware can be utilized as test units for the Apple iOS applications. Additionally, since the Samsung hardware identified herein will be utilized as test units for currently utilized VA devices, the VA technical experts determined that there are no other Android devices that can be utilized as test units other than the specific Android Samsung devices currently utilized by the Veterans and VA clinical staff.

9. Other Facts: None.