

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 firm-fixed priced task order to be issued under the Transformation Twenty One Total Technology Next Generation (T4NG) Program, indefinite delivery, indefinite quantity (IDIQ) Contract Number VA118-16-D-1003 with Nester Consulting LLC, dba GovernmentCIO, to provide data and scientific computing services for the Department of Veterans Affairs (VA), Office of Information & Technology (OI&T), Product Development (PD), Veterans Health Administration (VHA).
  
3. Description of the Supplies or Services: The proposed action is for all necessary services to enable multiple data operations and scientific computing tasks which include receiving, Quality Assurance/Quality Control (QA/QC) testing, annotating, cataloging and organizing for research a large amount of biomedical data including genomic, clinical, demographic, epidemiologic, health and biochemical or other molecular data either from encrypted hard drives or by other electronic transfer methods. The services provide shall maintain and enhance data source, system, and QA/QC catalogs as necessary to support the GENISIS scientific mission, maintain and enhance various Standard Operating Procedures' (SOPs) for data operations, maintenance and scientific computing, to administer, configure, maintain and optimize scientific computing and analytical software used by the researchers and fine tune the GenISIS performance monitoring cluster and data systems for optimal scientific computing. The period of performance for this effort consists of one (1) 12-month base period with two (2) optional tasks. The total estimated price of the proposed action inclusive of the optional tasks is [REDACTED]
  
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(4) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(D), entitled "It is necessary to place an order to satisfy a minimum guarantee".
  
5. Rationale Supporting Use of Authority Cited Above: The proposed source is Nester Consulting LLC, dba GovernmentCIO (GCIO), 8400 Braddock Way, Columbia, Maryland 21046. Solicitation VA118-15-R-0558 was issued competitively, utilizing the Federal Business Opportunities (FBO) website on November 19, 2014. The solicitation closing date was December 19, 2014. Twenty-four offerors were chosen for an award in accordance with the criteria set forth in the Basis for Award of the solicitation. Included in the solicitation was FAR clause 52-216-22, Indefinite Quantity, which stated the minimum guarantee. This order is being issued to GCIO to satisfy the minimum guarantee. GCIO has been determined by the Government's technical experts to meet

all aforementioned requirements. The determination included a review of the selected awardee's technical capabilities.

A minimum guaranteed order under an IDIQ contract must be placed during the same fiscal year as the IDIQ is awarded to avoid a bona fide need violation (31 U.S.C. Section 1502) and until it is placed, there is no enforceable contract. Once the IDIQ contract has been awarded, an obligation is created. Given the time remaining in the fiscal year, it is not possible to compete the orders with an expectation that each remaining T4NG contractor not meeting the minimum will be awarded one.

6. Efforts to Obtain Competition: In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized at award on the Federal Business Opportunities page and the justification will be made publicly available within 14 days after the award. In addition, this justification will be posted with the solicitation to notify all the T4NG vendors.

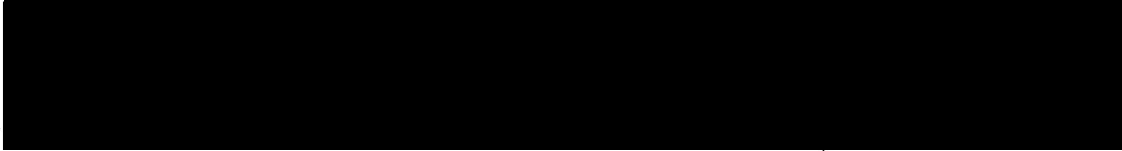
7. Actions to Increase Competition: There is no competition anticipated for this action as it is being issued to meet the mandatory minimum guaranteed value for this IDIQ contract. It is expected that any future requirements will be awarded on a competitive basis.

8. Market Research: Market research was not conducted for this effort. The order is being issued to meet the mandatory minimum guaranteed value for this IDIQ contract.

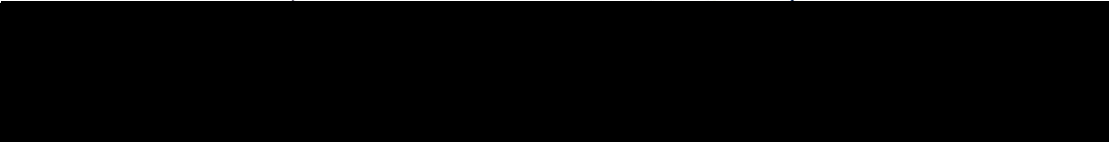
9. Other Facts: Twenty-one of the T4NG contracts were awarded on March 7, 2016. An additional three contracts were awarded on June 10, 2016. Due to protests, these contracts were not available for use until June 21, 2016. An additional four contracts were awarded on August 2, 2016, for a total of 28 T4NG contracts. Twenty-two (22) awards have been made competitively, resulting in the minimum guarantee being met for nine of the T4NG contractors.

Data and Scientific Computing Service for sustainment of GENISIS  
Control Number TAC-16-37857

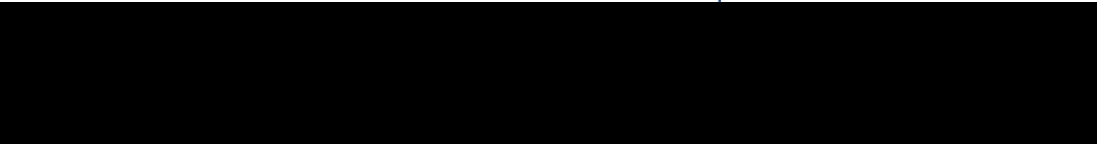
10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.



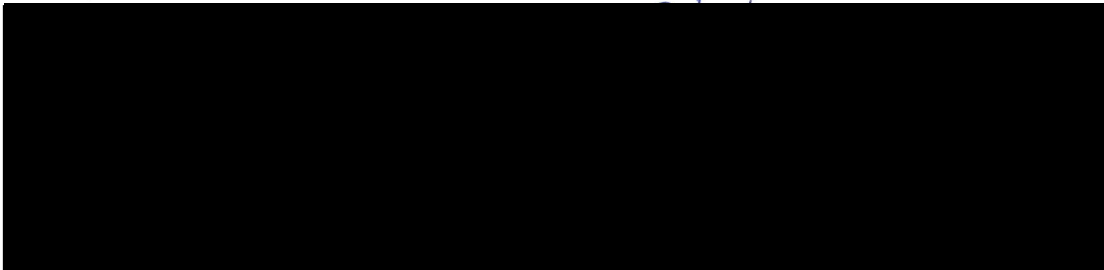
11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on price analysis and comparison with the Independent Government Cost Estimate.



12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.



13. Legal Sufficiency Certification: I have reviewed this justification and find it adequate to support an exception to fair opportunity and deem it legally sufficient.



Approval

In my role as Advocate for Competition, based on the foregoing justification, I hereby approve the acquisition of data and scientific computing services for VA OI&T PD VHA on an other than fair opportunity basis pursuant to the authority cited in section 4 above, subject to availability of funds, and provided that the services herein described have otherwise been authorized for acquisition.



Justification For An Exception To Fair Opportunity  
Coordination Matrix

