

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 Price Task Order that will be issued under the Transformation Twenty One Total Technology Next Generation (T4NG) Program, indefinite delivery, indefinite quantity (IDIQ) Contract Number VA118-16-D-1023 with Hewlett Packard Enterprise Services (HPES) to provide support for VA's implementation of the full IBM Rational brand line.
3. Description of the Supplies or Services: The Contractor shall provide support for the VA's implementation of the full IBM Rational brand line, their accompanying applications and databases, virtual servers in their testing, staging and production platform environments, and the development and production environments hosting three small web applications and their databases: VA Documentation Library, Veteran-focused Integrated Documentation Repository and OneVA Technical Reference Model. The Contractor shall provide on-going maintenance and platform support for the series of application servers, database servers and web servers using Microsoft SQL Server and Microsoft Internet Information Services as the database and server administration technologies running on Red Hat Linux and Microsoft Windows platforms. The period of performance is 12 months with one optional task for transition support. The total estimated value of the acquisition is
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 HPES 13600 EDS Drive, Herndon, VA 20171. Solicitation Number 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-eight 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 guaranteed for each resultant contract award under the T4NG contract. This order is being issued to HPES to satisfy the minimum guarantee. HPES 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). Once the IDIQ contract has been awarded, the obligation for the minimum

guarantee 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 contractors. Fifteen awards have been made competitively, resulting in the minimum guarantee being met for six of the T4NG contractors.