

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, New Jersey 07724
2. Description of Action: The proposed action is to include brand name specifications in a firm-fixed price task order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government Wide Acquisition Contract (GWAC).
3. Description of Supplies or Services: VA Office of Information and Technology, Service Delivery and Engineering (SDE), Enterprise Operations (EO) has a requirement for brand name Hewlett Packard (HP) hardware maintenance support. This will allow SDE EO to receive hardware upgrades and updates to their previously purchased HP servers, printers, scanners, chassis, blade enclosures, and network switches located at EO data centers, EO third party data centers, and remote locations including National Cemeteries. The HP maintenance coverage will consist of hardware maintenance coverage to repair or replace systems equipment components that restore full operation and accessibility to the original redundant component configuration. The required HP hardware maintenance coverage for these devices supports VA's mission-critical functions such as payroll, financial management, logistics, medical systems, and eligibility benefits for our Veterans. The maintenance is required to ensure the hardware remains operational. This HP maintenance coverage will include both replacement parts and services. The period of performance will be from October 1, 2016 through September 30, 2017.
4. Statutory Authority: The statutory authority permitting this 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: This is a brand name justification in accordance with FAR 11.105, Items Peculiar to One Manufacturer. Based upon market research, as described in section 8 of this justification, it was determined that only HP hardware maintenance has the capability to satisfy this requirement. The current EO infrastructure is based on existing HP hardware and VA requires support compatible with the existing infrastructure protocols and functionality for continued operational availability. VA requires HP hardware maintenance coverage to include hardware upgrades and updates to include major releases, point releases, service releases of applicable hardware on a quarterly basis, or within 48 hours in cases where a high risk vulnerability fix becomes available. Only HP can provide the

necessary hardware updates because of the propriety source code required to develop and implement hardware updates. No other source is capable of providing the required hardware maintenance that meets VA's unique functional requirements. In addition, a prior implementation of HP hardware already exists in EO. Acquisition of a different product, even if another one existed with qualifications that met VA's functional needs, would require multiple support costs if the HP hardware were abandoned in favor of a different product. In addition, EO would need to purchase new hardware. No other hardware is compatible with or interoperable with the existing HP proprietary database structures, protocols, and hardware application programming interfaces. Therefore, only HP brand name hardware maintenance can meet the Government's requirements.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. It was determined that limited competition is viable among authorized resellers for this brand name effort. 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 Page. In accordance with FAR 16.505(a)(4)(iii)(A)(2), the justification and supporting documentation along with the solicitation will be provided to all contract awardees on the NASA SEWP V GWAC.
7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would enable future actions to be fully competed.
8. Market Research: The Government's technical experts conducted market research during April 2016 by reviewing similar hardware maintenance support services to ascertain if other brands could meet VA's hardware maintenance requirements. Specifically, the Government's technical experts conducted web based research and discovered that while other hardware maintenance exists, it does not meet VA's support requirements because only HP has access to the proprietary database, structure, protocols and hardware application programming interface specific to the maintenance needed for the hardware in place. Therefore, at present there is no other hardware maintenance available in the market place that can meet this requirement. In addition, VA networking Subject Matter Experts regularly review industry trade publications and conduct internet research to ascertain if any other brand name hardware is available. Based on all of these market research efforts, the Government's technical experts have determined that only the aforementioned HP brand name hardware maintenance can meet all of VA's needs.

Additional market research was conducted by Government representatives in August 2016 utilizing the NASA SEWP V GWAC Provider Lookup Tool of which many potential sources were identified as resellers of the HP hardware maintenance support. The requirement discussed herein has been found to be within scope of NASA SEWP V GWAC in a separate determination. As a result of

the aforementioned market research, VA intends to issue Request for Quotation number VA118-16-Q-1547 on NASA SEWP V GWAC.

9. Other Facts: N/A

