

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 two year 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-1012 with CACI-ISS, Inc., to provide information technology (IT) support services for the Wide Area Network (WAN) in support of Department of Housing and Urban Development (HUD), Office of the Inspector General (OIG).
  
3. Description of the Supplies or Services: The proposed action is for IT support services to transition and maintain HUD OIG's WAN. WAN support services are required to assist HUD OIG in meeting compliance frameworks in order to implement mandatory security requirements. The overarching objective of HUD OIG is to have a robust and secure, nationwide and enterprise-wide information technology infrastructure that helps in accomplishing its mission and complies with Federal rules, regulations, and policies. HUD OIG has determined that its current WAN infrastructure does not provide the reliability, scalability, high availability and quality of the network services required to provide the support it needs to protect Government data and privacy. The purpose of this requirement is to procure information technology support services for the WAN, which includes several compliance frameworks such as the Federal Information Security Management Act, United States-Computer Emergency Readiness Team, National Institute of Standards and Technology, Office of Management and Budget directives that establish security requirements for protecting Government data and privacy. The WAN services function as HUD's main data center which is an integral part of HUD OIG's normal operating procedures, as it communicates IT services, such as file storage, security services, disaster recovery operations, and access to applications to all HUD OIG employees. The period of performance for this effort consists of one 12-month base period with one 12-month option period. The total estimated price of the proposed action inclusive of the option period 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 CACI-ISS, Inc. 14370 Newbrook Drive, Chantilly, Virginia 20151 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 CACI-ISS to satisfy the minimum guarantee. CACI-ISS 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.

As the base period for this task order is one year, one 12-month option is required to obtain the appropriate clearances and recruit personnel with the adequate skill sets required to complete the tasks outlined in the Performance Work Statement. The acquired domain knowledge is critical as this task order provides the WAN connection between all HUD organizations and activities. If continuity of services is not provided, there is high risk that HUD employees will not be able to access files, applications, and collaboration tools as all communications will be lost.

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

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.

[Redacted]

Date: August 10, 2016

IT Regional Manager, HUD OIG

Signature: [Redacted]

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.

[Redacted]

Date: 8/10/2016

Procuring Contracting Officer

Signature: [Redacted]

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

[Redacted]

Date: 8/10/2016

Procuring Contracting Officer

Signature: [Redacted]

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.

[Redacted]

Date: 8/10/16

Legal Counsel

Signature: [Redacted]

Approval

In my role as Advocate for Competition, based on the foregoing justification, I hereby approve the acquisition of IT support services for HUD OIG's WAN 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.

Date: 8-11-16      Signature:

