

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
1701 Directors Blvd
Austin, TX 78744
2. Description of Action: The proposed action is for a brand name firm-fixed-price delivery order to be 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: This proposed action supports the VA Office of Information Technology (OIT), Philadelphia Regional Data Center (SunGard), by acquiring services to support the migration activities and maintain the active warranty and maintenance support contract(s) on specific equipment throughout the migration. The specific OEM's are HP, Dell, IBM, Quantum, and NetApp. The total estimated price of the proposed action is [REDACTED]
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) 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: More than one awardee is capable of providing the supplies or services required, but fair opportunity is limited by restriction to a brand name. The OEMs, including HP, Dell, IBM, Quantum, and NetAPP are the only service providers that will not void the warranty and create break in service on the warranty and maintenance service agreements for VA-owned and operated IT equipment with the OEMs, including but not limited to the VA Maintenance and Support of Vista (MSV) contract. Not selecting an OEM or an OEM-certified vendor to perform the services to be involved in the move of the systems and peripherals between the data centers would result in a requirement for VA to expend additional funds to have the OEMs recertify the equipment to allow it to restart the maintenance service agreement/warranty coverage.

Without ongoing certification, VA systems and applications are at risk of their supporting hardware not being available following any contingency event. This would stop critical processing of Veteran information. Without the ongoing certification allowing continuity of maintenance support agreement and warranty, VA would not have any contractual ability to obtain repair and/or replacement services, support, or equipment necessary to support required IT services.

R04 Migrations - OEM Support

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. This effort did not yield any additional sources that can meet the Government's requirements. However, it was determined that limited competition is viable among resellers for these brand name items. In accordance with 16.505(b)(2)(ii)(D), this action will not be synopsisized and the justification will not be made publicly available within on the Federal Business Opportunities Page because the total estimated price is less than the simplified acquisition threshold, but the Justification will be posted on the NASA SEWP website to notify all interested parties.

7. Actions to Increase Competition: The Government will continue to conduct market research to learn if there are changes in the marketplace that would enable future actions to be competed.

8. Market Research: VA conducted extensive market research in February and March 2017 by directly contacting third party vendors and the OEMs of the equipment, and by reviewing current contract and warranty agreements. The market research confirmed that only the OEMs could validate the warranty and maintenance support of their equipment.

The Contract Specialist (CS) conducted market research in March 2017 by using the SEWP Request for Information tool. Based on this market research, the CS found multiple resellers under SEWP capable of meeting the full requirement.

9. Other Facts: None.