

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: The proposed action is for a brand name firm-fixed price delivery order, issued under the national Aeronautics and Space Administration (NASA) Solutions for Enterprise Wide Procurement (SEWP) V Government Wide Acquisition Contract (GWAC) for a Riverbed SteelCentral NetShark 6170 48-Terra-byte (48TB) storage unit.
3. Description of the Supplies or Services: The VA Office of Information and Technology (OI&T), National Data Center Program (NDCP) requires a Riverbed SteelCentral NetShark 6170 48-Terra-byte (48TB) storage unit, gold support and disk/memory support. The NetShark storage unit (drive) will be incorporated into and provide expanded data capture and storage capacity for the existing Riverbed device array at the Philadelphia Information Technology Center (PITC) at 5000 Wissahickon Avenue, Philadelphia, PA. The proposed action is for brand name Riverbed 48TB Storage Unit Hardware. The storage unit augments existing capacity and is capable of performing high speed packet capture and storage. The total estimate of this 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) Subpart 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: Based on the market research, as described in section 8 of this document, it was determined that limited competition is viable among authorized resellers for this requirement. VA NDCP currently owns a Riverbed device array and requires an expansion storage drive to provide expanded data capture and storage capacity. A brand name Riverbed expansion drive is required for VA data center engineering and operations personnel who currently operate Riverbed Netshark and require this expansion drive for upgrades and support. Riverbed Netshark source codes or proprietary data are required to upgrade the Riverbed Netshark system and perform the needed support services. There is no support or resale of this product outside of Riverbed's authorized resellers. Therefore, only Riverbed authorized resellers can provide the support and expansion drives for this array.

Based on the market research conducted by the Government's technical experts, it has been determined that only Riverbed Netshark or its authorized resellers have the required source code and other proprietary data to be able to meet the Government's needs.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in Section 8 of this Justification. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized within 14 days of award on the Federal Business Opportunities (FBO) page and the justification will be made publically available. In addition, in accordance with 16.505(a)(4)(iii)(A), this Justification for an Exception to Fair Opportunity will be posted on the NASA SEWP V website with the solicitation.
7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to perform additional market research so that other solutions can be considered.
8. Market Research: In April 2017, the Government technical representatives conducted market research to determine if there were viable manufacturers other than Riverbed Netshark or Riverbed Netshark's authorized resellers that could meet VA's requirement. Competitors such as Splunk and Cisco were analyzed. Based on this analysis, the Governments technical experts determined that none of these resources could satisfy VA's current requirement as it would require an entirely new back-up system installation and implementation. Additional market research was conducted on April 25, 2017 through the issuance of a Request for Information (RFI) on NASA SEWP V to identify potential sources for the required Riverbed Netshark Expansion Drive. The RFI resulted in responses from two (2) Vendor Information Pages (VIP) verified Service Disabled Veteran-Owned Small Businesses (SDVOSBs), Minburn and FedStore. Based on the analysis of the responses, there is a reasonable expectation that limited competition exists on the NASA SEWP V GWAC for the required Riverbed Netshark Expansion Drive.
9. Other Facts: Not applicable.

