

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 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) for NetApp storage area network (SAN) units, associated software, and maintenance.
  
3. Description of the Supplies or Services: VA, Office of Information Security (OIS), Network Security Operations Center Compliance Scanning Service (VA NSOC CSS) has a requirement for a quantity of two (2) NetApp SAN units, associated software, and maintenance to accommodate the growing need for storage of forensic evidence, case data, and artifacts. Maintenance includes escalation for troubleshooting, updates, fixes, patches, and upgrades. The period of performance includes delivery of the NetApp SAN units within thirty (30) days after award, followed by 12-months of hardware and software maintenance. Two 12-month option periods will be included for continued maintenance. The total estimated price of this proposed action is \$ [REDACTED], including options.
  
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: Based on market research, as described in Section 8 of this document, it has been determined that limited competition is available for this procurement. The current VA NSOC CSS infrastructure is based on NetApp equipment and software. In order to expand its existing storage capabilities, VA requires SAN units with associated software that is compatible with the existing infrastructure. The NetApp SAN units with associated software are the only storage devices that are compatible with the existing infrastructure. The current NetApp infrastructure at VA NSOC CSS is proprietary and communicates through proprietary software and hardware. No other manufacturer's storage devices are fully interoperable and compatible with NetApp's proprietary technology. Use of another manufacturer's storage devices and software could result in severe interoperability and compatibility issues, which would have a damaging effect on the existing VA Encase forensic infrastructure. Specifically, the NetApp storage that is currently used for storage and processing of VA forensic evidence, case data, and artifacts would be inoperative, effectively halting investigative functions. This would critically impact the VA's ability to

react to cyberthreats and in turn directly impact the VA's ability to protect veterans' Protected Health Information (PHI) and Personally Identifiable Information (PII). Similarly, only NetApp can provide the hardware, software, and maintenance due to the proprietary nature of the products. No other source can provide the maintenance without the NetApp proprietary source code, as it would not be able to develop software patches, upgrades, and security fixes.

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 be synopsisized and the justification will be made publicly available within on the Federal Business Opportunities Page within 14 days of award.

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: Market research was conducted in December, 2016 in the form of a Brand Name or Equal RFI. The RFI responses included, and the Government's technical experts researched, SAN units manufactured by Hewlett Packard, NetApp, and Dell. It was determined that only NetApp SAN units and software are compatible with the existing infrastructure at VA NSOC.

9. Other Facts: None.

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.

██████████

Date: ██████████

Program Manager

Signature ██████████

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 because NASA SEWP GWAC prices have previously been determined fair and reasonable. Additionally, price competition is expected among authorized resellers for this action. Additional price analysis will be performed by comparing the successful quote to the Independent Government Cost Estimate.

██████████

Date ██████████

Procuring Contracting Office

Signature ██████████

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$700,000.00, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as my approval.

██████████

Date ██████████

Procuring Contracting Officer

Signature ██████████