

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 for a firm-fixed-price (FFP) delivery order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise Wide Procurement (SEWP) V Government-Wide Acquisition Contract (GWAC) for brand name NetApp hardware and software maintenance support services.

3. Description of Supplies or Services: The Department of Veterans Affairs (VA) Cooperative Studies Program. Coordination Center (CSPCC) require brand name NetApp hardware and software maintenance support services, specifically (2) SupportEdge Premium 4hr Onsite, Post Warranty and two (2) Non-Returnable Disk Plus, Renewal- for the VA Cooperative Studies Program Coordinating Center (CSPCC). The maintenance support services include NetApp brand SupportEdge Secure for Government 24x7 remote technical support, parts replacement for hardware failures, on-site installation of replacement parts, 24x7 access to NetApp support website, and software upgrades to the NetApp Filer storage device. The period of performance is 12 months from date of award. The total estimated price of the proposed action is


4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is 41 U.S.C. 4106(c) 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: 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 CSPCC currently owns one NetApp Filer storage device. VA CSPCC requires continued hardware support and maintenance on this product to avoid NetApp hardware failure which could result in file server downtime or data loss. In order to ensure VA's continued use of the existing NetApp hardware and software without interruption, brand name NetApp Filer hardware and software maintenance is required. NetApp owns all proprietary program language and intellectual property of all hardware and software products under the NetApp umbrella. There is no support or resale of this product outside of NetApp's authorized resellers. Based on the market research conducted by the Government's technical experts, it has been determined that only NetApp or its authorized resellers have the

NetApp Hardware and Software Maintenance Support

required access to proprietary program language 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 December 2016, Government technical representatives conducted market research to determine if there were viable manufacturers other than NetApp to meet VA's requirement. Competitors such as EMC, IBM and HP were analyzed. Based on this analysis, the Government's technical experts determined that none of these sources could satisfy VA's requirement for NetApp hardware and software maintenance based on the proprietary knowledge required to provide post warranty hardware and software maintenance support. To purchase another enterprise storage vendor product would mean migrating all data from the existing NetApp storage system, including permissions, audit logs, redoing the existing backup and restore processes onto the new storage system. Additionally, market research was conducted on April 25, 2017 when the Government issued a Request for Information (RFI) on NASA SEWP V to identify potential sources for the required NetApp Support Edge Secure for Government and non-returnable disk. The RFI resulted in responses from two (2) Vendor Information Pages (VIP) verified Service Disabled Veteran-Owned Small Businesses (SDVOSBs), Alvarez and Technax. To make progress against VA's small business goals, the subject RFQ will be issued among NASA SEWP V SDVOSB GWAC holders in Group B (2) under the NAICS code 541519

9. Other Facts: None.