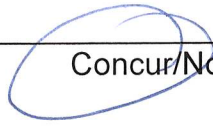


Justification For An Exception to Fair Opportunity  
Coordination Matrix



5/11/2017



Date

Concur/Non-Concur

Acting Director, Procurement Service E  
Technology Acquisition Center (003B2E)  
Office of Acquisition Operations  
Department of Veterans Affairs

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: This proposed action is for a firm-fixed price task order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government-wide Acquisition Contract (GWAC) for the purchase of hardware maintenance and update support for brand name NetApp Systems.
3. Description of Supplies or Services: VA, Office of Information and Technology (OI&T), Service Delivery and Engineering (SDE), Enterprise Operations (EO), requires hardware maintenance for NetApp Systems which are currently in use at National Data Center Program (NDCP) locations Warner Robins and St. Louis. The NetApp hardware maintenance shall consist of hardware maintenance technical support via telephone, e-mail, or internet to troubleshoot malfunctioning equipment/ components or provide replacement equipment/ components that restores full operation and accessibility to the original redundant component configuration. In addition, hardware maintenance shall consist of on-site visit, firmware upgrades, and updates to include major releases, point releases, service releases and security releases of applicable firmware on a quarterly basis, and/or within forty-eight (48)-hours in cases where a high risk vulnerability fix becomes available. The period of performance is from date of award through September 30, 2017. The estimated price of the proposed action is \$ [REDACTED]
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is Section 41 U.S.C 4106(c)(2) as implemented by 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: Based on extensive market research, as described in section 8 of this document, it was determined that limited competition is viable among authorized resellers for the brand name NetApp hardware maintenance and update support. The current EO infrastructure is based on existing NetApp hardware and VA requires support compatible with the existing infrastructure protocols and functionality for continued operational availability. VA requires hardware upgrades and updates to include major releases, point releases, service releases of applicable hardware on a quarterly basis, or within 48 hours in cases where a high risk vulnerability fix becomes available. The hardware updates are required for NetApp Series Storage. Only NetApp or an authorized reseller can provide the necessary hardware maintenance and update support, because of the

proprietary source code required to develop and implement hardware updates. This code is also required to diagnosis and repair hardware issues. No other source is capable of providing the required hardware maintenance and update support that meets VA's unique functional requirements without access to this code. Furthermore, only brand name NetApp components and equipment can be used to replace the currently fielded equipment and components. This is due to the current infrastructure only using NetApp items. If different replacement parts were utilized they would not be interoperable and compatible within the existing infrastructure. Specifically, other brand name items would not fit in the existing systems and would not function due to the proprietary constraints of the NetApp infrastructure. In addition, a prior implementation of NetApp hardware licenses already exists in EO. Acquisition of a different product would require duplicated costs if the NetApp hardware were abandoned in favor of a different product. EO would need to re-purchase the initial hardware previously purchased. No other maintenance is compatible with or interoperable with the existing NetApp hardware. The brand name NetApp hardware maintenance is the only hardware maintenance coverage that meets the Government's requirements.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. This effort did not yield any additional sources that can meet the Government's requirements. It was determined, however, that limited competition is viable among authorized resellers for this brand name hardware maintenance and update support. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and the justification will be made publicly available on the Federal Business Opportunities Page within 14 days of award of the order. In accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation to all contract awardees on the NASA SEWP V GWAC.
7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would enable future actions to be fully competed.
8. Market Research: NetApp is a commercially available off-the-shelf maintenance package currently in use in VA. Market research has been conducted in November 2016. Government technical experts reviewed similar hardware products to ascertain if these items could meet VA's requirements. Specifically, the Government's technical experts conducted web-based research on web sites for similar items and services such as Gigamon and F5. Although the aforementioned items and services possess similar capabilities to provide the required maintenance only NetApp or an authorized reseller has access to the proprietary source code specific to the maintenance for this particular hardware. As a result of the market research, the technical experts confirmed that as the source code required to issue the updates is proprietary, NetApp is the only source capable of providing the required maintenance and upgrades of the NetApp Storage Controller. No

other firm has the capability of developing and issuing hardware maintenance coverage for NetApp hardware necessary to support existing EO requirements. All of the components and equipment researched were unable to meet the functional requirements as stated in section 5 and integration with existing installed hardware and no other product other than NetApp hardware maintenance are able to meet these requirements. Additionally, none of these other hardware products could meet VA's interoperability and compatibility requirements as outlined in section 5 of this document. Further market research was conducted by Government representatives in February 2017 by utilizing the NASA SEWP V Provider Lookup Tool and identified several contract holders who were potential sources for the items. As a result, there is reasonable expectation of limited competition. Based on the above, only NetApp is capable of meeting all of the Government's requirements.

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.

[Redacted]

Project Manager

[Redacted]

Date: \_\_\_\_\_

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 based on catalog prices for products awarded on NASA SEWP V GWAC contracts which have already been determined to be fair and reasonable. Additionally, price competition is anticipated among the resellers of the required brand name NetApp Systems services and discounts from existing contract prices. Finally, the lowest price quote that conforms to the solicitation requirements shall be compared to the Independent Government Cost Estimate.

[Redacted]

Procuring Contracting Officer

Date: 5/10/2017

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]

Procuring Contracting Officer

Date: 5/10/2017

Signature: \_\_\_\_\_

[Redacted]

Approval

In my role as Advocate for Competition, based on the foregoing justification, I hereby approve the acquisition of a firm fixed-price Task Order issued under the NASA SEWP V GWAC, for the purchase of brand name NetApp Systems hardware maintenance and update support 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 property and services herein described have otherwise been authorized for acquisition.

Date: 5-11-17

Signature:

A black rectangular redaction box covering the signature of the Advocate for Competition.

Advocate for Competition  
Technology Acquisition Center  
Office of Acquisition Operations