

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 the issuance of a firm-fixed-price Delivery Order under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) to acquire NetScout brand name packet broker appliances and associated warranty and hardware maintenance support.

3. Description of the Supplies or Services: VA, Office of Information and Technology, Information Technology Operations, Infrastructure Operations (IO), Security Division has a requirement for 10 NetScout packet broker nGenius Series appliances, 18 supported parts, and their associated warranty and hardware maintenance support to expand VA's existing information technology (IT) Security architecture and network environment which is comprised of a NetScout platform. This expansion will enable IO to distribute network Switch Port Analyzer traffic to security appliances using the same firmware and user interface of existing NetScout Devices. The NetScout Packet Broker solution will provide real-time network visibility, monitoring, and reporting in a centralized fashion for all of IO's security appliances. The NetScout Packet Broker series managed network security appliance will deliver uninterrupted network connectivity for anytime maintenance and management requirements of the existing security appliances to eliminate any potential network outage that is normally caused by maintenance or inline device issues. NetScout Packet Broker appliances ensure that IO's networks stay online; allowing continuous network traffic flow at all times without network disruption during inline security tool maintenance. Furthermore, the NetScout Packet Broker appliances will provide for the remedying of software defects, as well as enhancing and optimizing software; it includes all new fixes, patches, corrections, releases, updates, versions and upgrades to the software. NetScout Packet Broker appliances shall be delivered 30 days after receipt of order. The warranty period shall commence upon VA's acceptance of the NetScout Packet Broker appliances. The period of performance for the hardware maintenance support of this action shall be 12 months with four 12-month option periods.

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 was determined that limited competition is

available for the aforementioned NetScout Packet Broker appliances, warranty, and hardware maintenance support. NetScout Packet Broker appliances are currently the only items interoperable and compatible with VA's existing IT Security architecture and network environment which is comprised of a NetScout platform. IO is not replacing its entire infrastructure, but rather is adding additional capacity to the existing NetScout infrastructure; therefore, the required hardware must interoperate and be compatible with the existing infrastructure. The market research demonstrated that no other manufacturer's equipment can meet the Government's compatibility and interoperability requirements. Specifically, NetScout Packet Broker appliances are the only network packet brokers that integrate with the NetScout Master Console currently in use at IO. Any other network appliances, other than NetScout, would not communicate and work with the existing infrastructure due to the proprietary code and constraints that permit only NetScout items to operate within the current NetScout platform. Finally, no other source, other than NetScout or a reseller can provide the warranty and hardware maintenance support due to the same proprietary code and constraints discussed above.

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 could meet the Government's requirements. Although the Government is limiting competition as a result of specifying NetScout brand name Packet Broker appliances, multiple resellers of NetScout products and hardware maintenance support are available on the NASA SEWP V GWAC. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the justification will be made publicly available on the NASA SEWP webpage within 14 days of award.

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 continue to perform market research to consider and ascertain if any other sources can provide these services in the future. Although the Government is limiting competition as a result of specifying a brand name items, there are multiple authorized resellers of the required brand name items on the NASA SEWP V GWAC. Limited competition among these vendors is anticipated.

8. Market Research: The Government's technical experts conducted on-line market research in January 2017 to ascertain if similar appliances and its technical specifications, could meet VA's requirements. Specifically, the Government's technical experts spoke with and reviewed similar solutions from NetOptics, DataComSystems, Gigamon and Interface Masters. Each vendor communicated they had their own central management console. The current production of NetScout Central Management console would not be able to manage and continue the standardized configuration policies in the event an alternative console was implemented. For that reason the other vendors cannot meet the current VA interoperability production requirements. The Government's technical experts concluded that none of these other appliances could meet the Government's interoperability and compatibility requirements, nor can any other source provide the required warranty and maintenance support, as detailed above in Section five. Therefore, the Government's technical experts have determined only

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NetScout appliances, warranty and hardware maintenance support meet all of the Government's requirements.

Additional market research was conducted in April 2017 by utilizing the NASA SEWP V Provider Lookup Tool. The Contract Specialist performed a search for required Brand Name NetScout and identified numerous resellers of NetScout hardware and maintenance that could possibly meet VA's needs. Of the identified resellers, 15 are verified Service Disabled Veteran Owned Small Businesses . Therefore, limited competition among these vendors is anticipated.

9. Other Facts: None.