

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 acquisition 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 procurement of storage appliances, high performance computation (HPC) server nodes, laptops and a printer for the required Genomic Information System for Integrative Science (GenISIS) hardware refresh. In accordance with Federal Acquisition Regulation (FAR 16.505(a)(iii)(B), this justification is covering only the portion of this action from brand name Apple requirements.
3. Description of the Supplies or Services: The Department of Veterans Affairs (VA) Office of Information & Technology (OI&T) has a requirement for the procurement of storage appliances, HPC server nodes, laptops and a printer for the Veterans Health Administration (VHA) Pittsburgh campus and VHA Boston campus. Only a portion of the acquisition is for a brand-name product or item peculiar to one manufacturer. Specifically, OI&T requires the procurement of two brand name Apple Computer, Inc. Apple MacBook Pro laptops and associated Apple Care hardware support for the GenISIS team to develop, test, and validate researcher tools. The purpose of this procurement is to provide hardware refresh and warranty/service support for the High Performance Analytical Cluster for GenISIS – the translational informatics platform for the Million Veterans Program (MVP) for the VA. GenISIS is the translational research analytics platform designed to perform genomic studies that combine both phenotypic and biological data (genomics, proteomics, metabolomics, etc.). It is an integrated environment featuring a number of applications and databases, and hooks to third party data sources such as knowledge bases and electronic medical records, with a high performance computing and storage environment. MVP research is being performed to better understand how genes affect health and illness in order to improve health care for Veterans by establishing one of the largest databases of genetic, military exposure, lifestyle, and health information. Findings from MVP may lead to new ways of preventing and treating illnesses in Veterans. With this information, researchers hope to understand why some Veterans may respond to treatment while others do not or why some experience different side effects. Overall, a better understanding of how genes work may help to prevent, and improve treatment of, disease. It is the intent for MVP to lead to new knowledge about which genes put people at risk for certain diseases, and which ones affect how people respond to treatment. This knowledge may eventually lead to better treatments and preventative measures for many diseases, making it imperative the researchers use the tools that they need and those tools are developed and tested, due to the high cost of error or delays. This effort includes three years of Apple Care hardware and pre-installed software warranty and

technical support protection plan for each laptop as well. The period of performance shall be 60 days from receipt and processing of the delivery order.

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 market research, as described in paragraph 8 of this justification, it was determined that limited competition is viable among authorized resellers for MacBook Pro laptops with Apple Care support. GenISIS's integrated system for medical research is currently used by approximately 75 researchers (with that quantity expected to grow to 200 within the fiscal year) who use their own unique library of tools & analytics on Linux, Windows and Mac operating systems. With regards to Apples' proprietary Mac operating systems, researchers perform analytics on over 570,000 Veterans participating in MVP studies within numerous applications built in BioJAVA, Galaxy, Bioconductor, Ruby, and BioRuby. These are currently installed natively on Mac operating systems and require no special configuration or extensions. The GenISIS team cannot develop, test, and validate researcher Mac tools on Windows based machines as Windows based machines are unable to run a Mac version 10.12 operating system natively. Additionally, the GenISIS team cannot develop, test, and validate researcher Mac tools through applications developed for Windows operating systems because they do not perform optimally on Mac machines. Using a brand name laptop other than MacBook Pro laptops would result in the inability to develop, test or support Mac tools that are used by almost half of the GenISIS researchers. Furthermore, Apple Care support is required to ensure that the procured laptops continue to run efficiently. Failure to acquire the aforementioned Apple Care support will prevent the VA team from obtaining fixes and patches to identify security vulnerabilities and defect resolutions. Due to the proprietary nature of the hardware and software, only Apple or its authorized resellers can provide the required proprietary Apple Care. Other manufacturers do not have the proprietary source code and hardware replacement parts necessary to provide the required support. It is critical for the GenISIS team to acquire MacBook Pro laptops in order to perform the necessary development, testing, and maintenance of applications researchers use to improve health care for Veterans through a better understanding of how genes work to prevent, and improve treatment of, disease.

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 brand name Apple MacBook Pro laptops and associated hardware support. In accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation to all interested NASA SEWP V GWAC holders. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the resultant award notice will not be synopsisized and the justification

will not be made publicly available within 14 days after award on the Federal Business Opportunities website since the estimated value is less than \$150,000.

7. Actions to Increase Competition: VA will continue to conduct market research to ascertain if there are changes in the market place and/or VA environments that would enable future requirements to be executed utilizing salient characteristics and not limited to a particular brand name.

8. Market Research: The Government's technical experts conducted market research in May 2017 to ascertain the ability of other products and services to meet VA's needs by performing independent research on Dell Precision 5520, HP Elitebook 1040, and System76 Oryx Pro. All three brand names are not authorized, and do not have access to the proprietary MAC operating system. Therefore, all three do not meet the Government's requirements. Additionally, Apple software licensing agreement states in Section 2, "Permitted license use and restrictions", Paragraph I, "Other Use Restrictions" for MAC operating system's state it cannot be installed on anything besides a MAC. Additional market research was conducted in May 2017 by the Contract Specialist by utilizing the NASA SEWP V GWAC Provider Lookup tool, which resulted in the identification of 16 prospective Service-Disabled Veteran-Owned Small Business (SDVOSB) GWAC holders of the required brand name Apple MacBook Pro laptops and associated apple care hardware support. As a result, there is a reasonable expectation that limited competition exists on the NASA SEWP V GWAC for the brand name Apple MacBook Pro laptops and associated apple care hardware support.

9. Other Facts: None.