

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 a firm-fixed price (FFP) delivery order issued under a National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government-Wide Acquisition Contract (GWAC) for Hewlett Packard Enterprise (HPE) warranty services to include hardware and software support services for the Veterans Informatics and Computing Infrastructure (VINCI) environment.
3. Description of the Supplies or Services: VINCI requires the renewal of brand name HPE maintenance and warranty for the existing VINCI hardware environment. The VINCI is an initiative to improve researchers' access to VA data, and to facilitate the analysis of the data while ensuring Veterans' privacy and data security. The VINCI environment consists of combinations of various HPE hardware with its firmware. Hardware maintenance shall include hardware problem diagnosis with next day response time including replacement parts and materials as required. The hardware's firmware shall include unlimited technical support via phone/web and access to software patches and updates. The Government requires these services to provide continuous coverage of the existing VINCI equipment to support VA research professionals across the enterprise. The period of performance for this action shall be 12 months,
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 Section 8 of this justification, it was determined that limited competition is available for the aforementioned HPE hardware maintenance and warranty among NASA SEWP value added resellers. The HPE hardware maintenance and warranty will support the current VINCI HPE environment with continuous coverage and support for the system's hardware that is currently out of its warranty period. The HPE hardware was previously procured and included a three or five original equipment manufacturer (OEM) warranty. Once the OEM warranty expires, an extended warranty is required to maintain the environment's operation. All component replacement hardware must be compatible to the existing HPE servers/SAN infrastructure or performance will be degraded or the system will not be operational. Due to the proprietary firmware running on the current HPE infrastructure, only certified HPE equipment will allow for full

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compatibility. Further, the use of non-HPE certified replacement hardware would result in the OEM terminating the warranty on the VINCI infrastructure since it cannot warrant the operational ability of non-HPE components.

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 HPE support. 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 on the Federal Business Opportunities Page. In addition, the Justification for an Exception to Fair Opportunity shall be posted to NASA SEWP V GWAC website for consideration by prospective offerors.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed. Specifically, the Government will continue to research whether non-HPE parts can interoperate with the current environment without performance degradation or violating the system's warranty.

8. Market Research: Market research was conducted in December 2016, and reaffirmed in March 2017, by researching internet sites and contacting vendors for information on warranty service for the VINCI infrastructure. The VINCI team reviewed warranty offerings from NetApp and Dell. The results of the market research performed by the VINCI team reflects that no other OEM provides fully compatible hardware components due to the proprietary firmware that runs on the HPE hardware. These OEMs also do not provide patches and updates for the firmware that runs on other OEM hardware.

Additionally, market research was conducted using the NASA SEWP V Product Verification and Manufacturer Lookup tools, which resulted in several authorized resellers of the required HPE hardware warranty support.

9. Other Facts: None.