

Consolidated LAN Hardware and Software Maintenance Support
Control Number: TAC-18-50212

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Procurement, Acquisition, and Logistics
Technology Acquisition Center
1701 Director Blvd. Ste. 600
Austin, TX 78744
2. Description of Action: The proposed action is for a brand name firm-fixed-price task order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for hardware and software maintenance support of existing VA-owned Local Area Network (LAN) equipment supporting the Office of Information and Technology (OIT), Infrastructure Operations (IO).
3. Description of the Supplies or Services: This procurement is required to provide hardware maintenance support for VA-owned LAN equipment. LAN equipment consists of devices from multiple Original Equipment Manufacturers (OEM) including Hitachi Limited (Hitachi), EMC Corporation (EMC), Hewlett-Packard Corporation (HP), International Business Machines Corporation (IBM), and Dell Corporation (Dell).

Additionally, OIT requires brand name maintenance support of HP Insight Control Environment (ICE) and Insight Control (IC) for HP Blades software licenses, necessary for the remote administration of the HP Blade Chassis system hardware. The IC licenses are advanced feature tools which allow systems administrators to remotely access servers to perform provisioning using Rapid Deployment, monitor system health and performance, and optimize power and energy efficiency of VA-owned HP LAN hardware. The ICE licenses provide system administrators a visual management console to administer the various IC features. ICE licenses include iLO Advanced features. The iLO Advanced license features provide systems administrators' access to servers virtually from anywhere and allow a systems administrator to reboot a system remotely to control the reboot process, thereby ensuring minimal downtime of network hardware supporting VA systems.

VA does not own IBM or Dell software related to the IBM and Dell hardware; therefore, there is no IBM or Dell software maintenance required for this effort. Additionally, EMC and Hitachi no longer support the software related to the VA-owned EMC and Hitachi hardware. The market research, as discussed in Paragraph 8 herein, identified vendors capable of performing third-party hardware maintenance for the Dell, EMC, and Hitachi equipment defined on a requirement based specification. This approach will eliminate any brand name restrictions for this portion of the requirement. However, market research confirmed that the HP software maintenance could only be procured on a limited competitive basis through the respective OEM or HP authorized resellers and shall include 24x7 support with a four hour response time.

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The hardware above and maintenance services are required to be consolidated under a single contract action to meet OIT mandatory incident response time requirements and to reduce the need for multiple maintenance calls for this critical hardware infrastructure. Having a single integrator provide all required maintenance support is the only way to ensure proper management of these interdependencies, and that VA has a single source for resolution of any conflicts or interoperability issues that may arise. OIT requires an initial response to all maintenance calls within one hour and on-site support within four hours of initial notification from VA. Using one Contractor will not only safeguard the integrity of system integration across all hardware and software components but protect the continued interoperability of the network that is critical to ensure operational availability of VA systems. The prime contractor shall be responsible for the identification and resolution of all LAN hardware and software maintenance request, within the specified time requirements to minimize down/replacement time for production systems that impact Veterans claim processing efforts.

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 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 Above: Based on market research, as described in paragraph 8 of this justification, it was determined that limited competition is available for this procurement, but fair opportunity is limited by restriction to a brand name. The current OIT LAN infrastructure is based on existing HP software, and VA requires support compatible with existing infrastructure protocols and functionality for continued LAN operational availability.

VA requires software upgrades, and updates to include major releases, point releases, service releases, and security releases of applicable software on a quarterly basis, or within 48-hours in cases where a high risk vulnerability fix becomes available. The software updates and fixes are required for the HP brand-name software that is used in the HP brand-name Chassis and Blade Systems. Only HP or an authorized reseller can provide the necessary software updates, because of the proprietary source code required to develop and implement software updates. No other source is capable of providing the required software updates for HP IC and ICE licensing for HP chassis and blade systems. The proprietary source code is not available to third-party vendors; therefore, no other vendor is capable of providing the required software updates for HP equipment.

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6. Efforts to Obtain Competition: Market research was conducted, details of which are contained in the market research section of this document. Although the Government is limiting competition to OEMs and their resellers for the HP software maintenance and update requirements, there are multiple resellers capable of supplying and integrating both the requirements-based hardware maintenance support services, as well as the requisite software maintenance support services via the NASA SEWP V GWAC. In accordance with FAR 5.301 and 16.505(b)(2)(0), this action will be synopsisized at award on the Federal Business Opportunities (FBO) page, and the justification will be made publicly available. Also, in accordance with FAR 16.505(a)(4)(iii)(A)(2), this Justification will be posted with the solicitation on the NASA SEWP web site.

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 competed.

8. Market Research: VA technical experts conducted internet market research of other brand name software products, to include Dell, EMC, and Hitachi, to determine if they can provide maintenance support of HP IC and ICE software licensing. As a result of that market research, the technical experts confirmed that HP is the only source capable of providing software updates, upgrades, and fixes for their respective software since the source code required to issue the updates is proprietary. No other vendor has the capability of developing and issuing software upgrades, updates, and fixes for HP software necessary to support VA's existing HP blade equipment. Therefore, a task order issued on a limited competitive basis is required to procure software maintenance and update services from authorized resellers to ensure that VA OIT LAN equipment remains secure and operates at the required service levels.

The contract specialist (CS) conducted market research in April 2018 by using the NASA SEWP V GWAC Provider Lookup and Market Research tools to determine what vendors are capable of providing the full requirement. Based on this market research, the CS found multiple service-disabled Veteran-owned small-business vendors capable of meeting the full requirement.

9. Other Facts: None.