

JUSTIFICATION AND APPROVAL
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs
Office of Acquisition and Logistics
Technology Acquisition Center
1701 Directors Blvd, Ste 600
Austin, TX 78744
2. Description of Action: This proposed action is for a Firm-Fixed-Price Delivery Order (DO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV contract for four (4) Network Appliance (NetApp) disk rack mount disk storage arrays with a 12 month extended warranty and maintenance to support the Department of Veterans Affairs (VA) Enterprise Service Bus (ESB) primary and Continuity of Operations Plan (COOP) sites.
3. Description of Supplies or Services: The Department of Veterans Affairs (VA) and the Department of Defense (DOD) have partnered to construct the James A Lovell-Federal Heath Care Center (JAL-FHCC), which is the first fully integrated VA Health Care Center. The center is a system of facilities which provide medical and dental services to United States military veterans, recruits, active duty and eligible beneficiaries. This effort is for four (4) Network Appliance (NetApp) rack mount disk storage arrays with a 12 month extended warranty and maintenance. This acquisition of the additional storage will provide the capability for the VA ESB to have consistent access to shared network file resources and will reduce the amount of storage required by not replicating shared code and data in multiple locations. The included service and support will provide twenty-four (24) hours a day, seven (7) days a week (24x7) for 12 months of phone support, web support, unlimited incident resolution and new updates. The total estimated cost of this procurement is \$271,616.00
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 extensive market research, as described in paragraph 8 of this document, it was determined that limited competition is available among authorized resellers on SEWP GWAC, Group B for this brand name hardware. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The aforementioned NetApp equipment is the only equipment that can meet the requirements to upgrade and expand the current VA network storage capabilities.

NetApp Rack Mount Disk Storage Arrays

The current Hines, IL data center utilized the NetApp product suite and this procurement is to provide an expansion chassis for the existing NetApp equipment. Expansion chassis from competing vendors are functionally incompatible with the NetApp equipment already in place at the Hines, IL data center. Selection of competing vendor equipment would necessitate the purchase of their entire solution including the expansion chassis and would require duplication of existing connectivity and management hardware and software to support their separate and proprietary storage devices. No other vendor can provide the expansion chassis which can be successfully deployed within the existing Net App network storage appliance infrastructure.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. There is competition anticipated for this acquisition. In accordance with FAR 5.301 and 16.505(b), this action will be synopsized at award on the Federal Business Opportunities Page (FBO) and the justification will be made publically available.
7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the market place would enable future actions to be competed.
8. Market Research: The Government's technical experts conducted market research by reviewing other similar hardware such as Merlin Computer servers and EMC Clarion CX4 servers. Based on review of these products, the Government's technical experts determined that none of these products can meet the Government's interoperability and compatibility requirements nor offer the upstream forwarding of localized data into the existing federated NetApp network storage architecture, which is critical in a storage network.

Additionally, VA disk storage subject matter experts regularly review industry trade publications and conduct internet research to ascertain if any other brand name hardware is available. Based on all of these market research efforts, the Government's technical experts have determined that only NetApp brand name hardware can meet all of VA's needs.

9. Other Facts: N/A

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.

Russell Holt

Date: _____

Program Manager

Signature: _____

X

Russell Holt
PM

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. Prices contained in contracts awarded on NASA SEWP IV GWAC have already been determined to be fair and reasonable. As there are multiple vendors on NASA SEWP IV GWAC, additional price competition is anticipated.

Daniel Winterroth

Date: 9/18/12

Procuring Contracting Officer

Signature: Daniel Winterroth

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$650,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

Daniel Winterroth

Date: 9/18/12

Procuring Contracting Officer

Signature: Daniel Winterroth