

JUSTIFICATION AND APPROVAL  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs  
Office of Acquisition Operations  
Technology Acquisition Center  
260 Industrial Way West  
Eatontown, New Jersey 07724
  
2. Description of Action: The proposed action is for a Firm-Fixed Price (FFP) Delivery Order (DO) to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC) for the renewal of EMC hardware and software maintenance support. The period of performance is for 12 months beginning October 1, 2012.
  
3. Description of Supplies or Services: The Department of Veterans Affairs (VA) Office of Information Technology (OIT) has a need to continue hardware and software maintenance support of the existing Storage Area Network (SAN) infrastructure and tape backup solution for Veterans Integrated Service Network (VISN) 8. The EMC solution provides the data storage for VistA Imaging, a direct patient care application used at all 11 facilities supported by the Bay Pines VA Healthcare System (HCS). The support includes configuration, upgrades, updates, patch and firmware releases, and remote and on-site support with a four hour response time for service and parts. In addition, EMC supports zoning the SAN switches to attach the tape library to the backup server and general troubleshooting. EMC support also configures and optimizes the Network Data Management Protocol (NDMP) transport data between Network-Attached Storage (NAS) devices and backup devices, which allows for the retention of data to meet the VA mandated retention period of 99 years.
  
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 eight of this document, it was determined that limited competition is viable among authorized resellers for this brand name item. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The renewal EMC maintenance support is required to ensure the continuity of VA owned software licenses and hardware. Only EMC and authorized resellers of EMC products has the proprietary right to provide technical support and maintenance to EMC software and hardware. In addition, only EMC hardware is compatible with EMC replacement parts that may be necessary during the duration of the maintenance period of performance. The Bay Pines VA HCS and all supported entities are dependent on the use of existing EMC hardware for data storage, including VistA Imaging, which is direct patient care, the virtual infrastructure supporting all our virtualized servers, and the storage for all service data and home drives. EMC

## EMC Software and Hardware Maintenance Support Renewal

Networker Software is utilized and installed on all Bay Pines supported servers for backups and retention. Bay Pines has approximately 100 servers that are backed up with the Networker software. The backup solution includes a dedicated backup server, a tape library and the Networker client installed on all backed up servers. VA mandates that the end of the month backup for all data be maintained on tape for 99 years. A stable backup solution is paramount to maintaining recoverable data. If data were lost, the impact to the medical center could range from the inability to recover due to a single server failure or to a complete outage due to a catastrophic event such as a hurricane. Data loss could have a direct negative effect on patient care and evidence loss in litigation cases for VA.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Although the Government is limiting competition as a result of specifying brand names, there are multiple authorized resellers capable of supplying the required services on the NASA SEWP IV GWAC. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized at award on the Federal Business Opportunities Page (FBO).

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.

8. Market Research: Only EMC and authorized resellers of EMC products can provide the software and hardware maintenance support. During September 2012, Government technical representatives engaged in direct communications with EMC which determined that only EMC and authorized resellers of EMC are supported by EMC's engineering organization. EMC coding is confidential and is not released to any other party. Market research was conducted on September 4, 2012 an inquiry of NASA SEWP IV GWAC's database was performed utilizing the manufacturer lookup tool to identify potential sources that can provide the EMC software and hardware maintenance support. The manufacturer lookup tool yielded 37 resellers of EMC products. There is reasonable expectation that sufficient competition exists on NASA SEWP IC GWAC for EMC support.

9. Other Facts: N/A