

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
1701 Directors Blvd, Suite 600
Austin, TX 78744
2. Description of Action: The proposed action is for a firm-fixed-priced delivery order under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for NetApp Network Attached Storage (NAS) equipment and associated Disk Shelves.
3. Description of the Supplies or Services: The proposed action support the VA Office of Information and Technology, Data Center NetApp Converged Virtualization (CVI) Equipment for CMOP facilities requires NetApp NAS equipment, to include disk shelves, hard drives, and interface modules, software licenses and maintenance support, to expand the storage and modify onsite storage shelves and training support. This procurement allows VA to modify existing systems to virtualize storage space required for use by existing and future applications in direct support of Prescription fulfillment, which directly supports patient care. The period of performance is 12 months from the date of award, delivery is within 30 days from day of award. The total estimated price of the proposed action is \$ [REDACTED].
4. Statutory Authority: Pursuant to Federal Acquisition Regulation (FAR) Subpart 16.505(a)(4), the following brand name requirement is being justified and approved as an exception to fair opportunity under the statutory authority of Section 41 U.S.C. 4106(c)(2) as implemented by 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. The VA currently uses NetApp hardware to build the Converged Virtual Infrastructure (CVI) FlexPod System, consisting of data storage controllers and attached shelves, for support of the virtual environment and data storage. The hard drive and the interface modules must be compatible and interoperable with the existing equipment. The NetApp products rely on proprietary NetApp micro-coding to communicate with each other in order to connect with NetApp products that no other vendor can reproduce. For example, other vendor hard drives and interface modules are not compatible as each vendor has their own proprietary hardware in providing storage, and therefore would not integrate with the currently fielded NetApp VistA application hardware. This requirement is simply expanding storage capacity. No other cluster interconnection hardware is interoperable or

compatible with the currently fielded NetApp storage system. If VA were to utilize any other brand name hardware and software, it would not operate in the current infrastructure due to the proprietary constraints.

Additional brand name justification in accordance with FAR 11.105, Items Peculiar to One Manufacturer. NetApp is the Original Equipment Manufacturer (OEM) of the required storage systems and no other vendor produces storage that is compatible with the existing Consolidated Mail Order Pharmacy (CMOP) NetApp storage hardware Converged Virtualization Infrastructure (CVI). The additional Netapp storage hardware will be directly interconnected to the existing Netapp hardware to expand storage capability for the CMOP expansion and additional production shifts. If storage from a manufacturer other than Netapp are procured, VA would not be able to insure compatibility of equipment or technical support from OEM trained and certified Netapp service technicians, which creates the risk of data loss. This could include the loss of patient records or even a complete failure of the current storage infrastructure. The Netapp warranty service provides stability and insurance by ensuring that VA does not experience loss of data. Only NetApp can provide the warranty services required for the Netapp storage systems. In the event that a Netapp device is defective, a compatible replacement part or unit can be sent to ensure no down time is experienced. Currently VA has an existing NetApp infrastructure installed within the CMOPs. No other manufacturer's server's equipment is compatible, functional, or interchangeable with the existing infrastructure, which is comprised of NetApp hardware, without completely replacing the current NetApp infrastructure with another vendor's products.

Additionally, only NetApp can provide the required hardware support as only Netapp has access to the proprietary microcode utilized by Netapp's hardware's core software. Access to the microcode is required for updates as well as bug fixes to the Netapp hardware. Updates and patches to the hardware's core firmware is required to maintain compatibility with other NetApp software. If any other source were to provide hardware maintenance on the NetApp products, they would not be able to access the hardware micro-codes to provide updates and patches, and as such the NetApp hardware would not remain compatible with the NetApp software. Utilizing any source other than Netapp or a Netapp authorized reseller for hardware support would result in Netapp's cancelation of support for both hardware and software support contracts.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. This effort did not yield any additional sources that can meet the Government's requirements. However, the undersigned VA technical representative determined that limited competition is available among authorized resellers for brand name NetApps, as well as software maintenance and support. In accordance with FAR 16.505(a)(4)(iii)(A)(1), this justification will be provided with the solicitation to all appropriate NASA SEWP V GWAC holders. Furthermore, in accordance with FAR 5.301, 16.505(b)(2)(ii)(D), and 16.505(a)(4)(iii), the award notice for this action will be synopsisized on the Federal Business Opportunities website and this justification will be made publicly available within 14 days of award.

7. Actions to Increase Competition: The Government will continue to conduct market research to learn if there are changes in the marketplace that would enable future actions to be competed.

8. Market Research: VA's technical experts conducted market research in April 2019 to ascertain the ability of any other source other than NetApp that can provide the aforementioned products by performing web searches of other similar hardware, from EMC Corporation, Dell, International Business Machines, and Hewlett Packard. Market research confirmed, while these vendors provide similar hardware, however no other hardware cannot interoperate or is compatible with the existing NetApp storage equipment or can be directly interconnected to provide the required additional capabilities. The load balancing can only be achieved by using NetApp for existing onsite equipment. Based on the above only NetApp meets all the Government's requirements for compatibility and interoperability with the existing equipment.

Additional market research was conducted in May 2019 by utilizing the NASA SEWP V GWAC Provider Lookup tool that identified several prospective contract holders that are resellers of NetApp hardware.

The Contract Specialist (CS) conducted market research in August 2019 by using the SEWP market research tools. Based on this market research, the CS found resellers under SEWP capable of meeting the full requirement.

9. Other Facts: None.