

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, New Jersey 07724

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 Disk Array Enclosures (DAE) equipment, Cisco UCS Servers and Fabric interconnect switches.

3. Description of the Supplies or Services: VA requires NetApp DAE equipment, to include hard drive and interface modules to expand the storage and modify onsite storage shelves. 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.

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. VA currently uses NetApp and Cisco hardware to build the Converged Virtual Infrastructure (CVI) FlexPod system, consisting of data storage controller 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 microcoding 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 is in accordance with FAR 11.105, Items Peculiar to One Manufacturer. Cisco is the Original Equipment Manufacturer (OEM) of the required server systems and no other vendor produces servers that are compatible with the existing Region's Charleston Consolidated Mail Order Pharmacy (CMOP) Cisco server hardware converged virtualization infrastructure (CVI). The additional Cisco Servers will

be directly interconnected to the existing Cisco hardware to expand compute capability for the CMOP expansion and additional production shifts. If servers from a manufacturer other than Cisco are procured, VA would not be able to insure compatibility of equipment or technical support from OEM trained and certified Cisco 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 server infrastructure. The Cisco warranty service provides stability and insurance by ensuring that VA does not experience loss of data. Only Cisco can provide the warranty services required for the Cisco storage systems. In the event that a Cisco device is defective, a compatible replacement part or unit can be sent to ensure no down time is experienced. Currently VA has an existing Cisco infrastructure installed within the CMOP. No other manufacturer's server's equipment is compatible, functional, or interchangeable with the existing infrastructure, which is comprised of Cisco hardware, without completely replacing the current Cisco infrastructure with another vendor's products.

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

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 and Cisco, 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 that, while these vendors provide similar hardware, no other hardware can interoperate with, or is compatible, with the existing NetApp storage equipment or can be directly interconnected to provide the required additional capabilities and load balancing that is achieved thru the interconnect of Cisco and NetApp to the existing onsite 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.

9. Other Facts: None.