

## 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's Blvd  
Austin, TX 78748
  
2. Description of Action: The proposed action is for a firm-fixed-price delivery order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC), for the expansion of brand name Cisco and NetApp FlexPod Converged Virtualization Infrastructures (CVI) hardware components, as well as installation and configuration services, and NetApp maintenance and support.
  
3. Description of the Supplies or Services: VA Office of Information and Technology, Information Technology Operations and Services (ITOPS) Solution Delivery, Endpoint Engineering section has a requirement for brand name NetApp hardware items, Cisco Server/compute devices , along with installation, maintenance, and configuration services to increase the storage and compute capacity within the existing FlexPod Converged Virtual Infrastructures (CVI). This equipment will be installed at Trusted Internet Connection (TIC) Gateways; North-Chicago IL, South-Dallas TX, East-Sterling VA, and West-San Jose CA Datacenters. The Flexpod CVIs are complete solutions designed by Cisco and NetApp that consist of Cisco Hyperflex and NetApp hardware and software. The Flexpod CVI combines Cisco networking and server components with NetApp storage elements in an all in one engineered platform. The Cisco elements provide the networking communications between all the hardware plus the compute servers while NetApp provides the storage needed for the environment. This requirement is to procure additional capacity of existing FlexPod CVI's along with installation, configuration services, maintenance and technical support to increase the capacity. This effort will expand the Cisco and NetApp equipment that is currently in use supporting ITOPS Enterprise Video Conferencing Service applications.  
  
This effort shall include NetApp maintenance and support under a one year warranty to identify security vulnerabilities and defect resolutions while ensuring all existing and newly added hardware runs efficiently within the TIC North-Chicago IL, South-Dallas TX, East-Sterling VA, and West-San Jose CA Datacenters. The total estimated price of the proposed action is [REDACTED]
  
4. Statutory Authority: Pursuant to Federal Acquisition Regulation (FAR) 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 16.505(b)(2)(i)(B), entitled "Only one awardee is capable of providing the supplies or services required at the level of quality 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 section 8 of this document, it was determined that limited

competition exists among resellers of the FlexPod for this procurement. Only brand name Cisco and NetApp hardware, along with installation, configuration services, maintenance, and technical support can meet the Government's technical requirements for expanding the existing infrastructure within the TIC North/South/East/West Datacenters. The Flexpod CVIs are complete solutions designed by Cisco and NetApp that consist of Cisco Hyperflex and NetApp hardware. The Flexpod CVI combines Cisco networking and server components with NetApp storage elements in an all in one engineered platform. The Cisco elements provide the networking communications between all the hardware plus the servers, while NetApp provides the storage needed for the environment. Additionally, since the FlexPod design is a multi-product environment, only a single authorized vendor can install, configure, and verify the additional hardware in accordance with the Cisco Validated Design within each location. The configuration must be done by a single vendor to be in compliance with the Cisco Validated Design methodology.

Only brand name Netapp hardware can be utilized for the additional capacity expansion due to the proprietary NetApp Data on the operating system, which is specific to NetApp storage hardware. No other brand name software is interoperable or compatible with the existing NetApp software due to the proprietary code that the software communicates through. Use of Dell, IBM, EMC brand name software would not be able to communicate with the existing NetApp software and would result in having to replace all the existing NetApp software. Furthermore, no other brand name hardware, other than NetApp, can meet VA's storage requirements due to the form, fit and function of the existing storage environment. Use of any other brand name item would not fit in the existing chassis due to the proprietary design of the NetApp environment. Also, other manufacturers do not have the proprietary source code and hardware necessary to provide the required installation and configuration services, maintenance and support. Access to the proprietary source code is required to ensure all services provided on the NetApp products are properly configured. Expanding the current FlexPod CVI's consisting of NetApp products will ensure significant reduction of risk of loss to vital patient care tele-services. Other vendor storage controllers and disk shelves are not compatible as each vendor has their proprietary hardware and software in providing storage, and therefore would not integrate with the currently fielded hardware and software.

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. It was determined however, that limited competition is viable among resellers for brand name Cisco and NetApp FlexPod CVI hardware, as well as maintenance support services. In accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation to all interested NASA SEWP V GWAC holders. In accordance with FAR 5.301 and FAR 16.505(b)(2)(ii)(D), notice of award of the resulting order will be synopsisized and this justification will be made publicly available within 14 days after award on the Federal

Business Opportunity website. In addition, this Justification for an Exception to Fair Opportunity will be posted on the NASA SEWP V website with the solicitation.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the Government technical experts will continue to perform market research to determine if there are any new products or maintenance services available that will fulfill the Government's need.

8. Market Research: The Government's technical experts performed market research during January 2019 by researching other similar solutions (online and through market literature) to learn if other brand items could meet and be compatible with VA's existing Cisco and NetApp FlexPod hardware. Specifically, the Government's technical experts conducted web-based research and reviewed similar products from DELLEMC and HP. As a result of the market research, the technical experts confirmed that although the other companies' products provide similar capabilities, no other products will support VA's existing infrastructure protocols, interoperability, and compatibility requirements as outlined in section 5 of this Justification. Based on this market research, the Government's technical experts have concluded that only the Cisco and NetApp FlexPod CVI brand name hardware will meet requirements.

Additional market research was conducted by the Contract Specialist in September 2019 utilizing the NASA SEWP V Provider Lookup Tool. The search identified five Service-Disabled Veteran-Owned Small Business authorized resellers of both Cisco and NetApp FlexPod Hardware on the NASA SEWP V GWAC. Therefore, there is a reasonable expectation that limited competition exists on the NASA SEWP V GWAC.

9. Other Facts: None.

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.

[Redacted] Date: 09/17/2019

[Redacted] Signature [Redacted]

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 because NASA SEWP GWAC prices have previously been determined fair and reasonable. Additionally, price competition is expected among authorized resellers for this action. Additional price analysis may be performed in accordance with FAR 15.404-1(b).

[Redacted] Date: \_\_\_\_\_

[Redacted] Signature [Redacted]

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

[Redacted] Date: \_\_\_\_\_

[Redacted] Signature [Redacted]

Approval

In my role as procuring activity Advocate for Competition, based on the foregoing justification, I hereby approve the acquisition for the upgrade of brand name Cisco and NetApp FlexPod CVI hardware and software components, as well as installation and configuration services, and NetApp maintenance and support, on a limited competition basis pursuant to the statutory authority cited in section 4 above, subject to availability of funds, and provided that the property and services herein described have otherwise been authorized for acquisition.



Signature:

