

JUSTIFICATION AND APPROVAL  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
260 Industrial Way West  
Eatontown, New Jersey 07724

2. Description of Action: This proposed action is for a Firm-Fixed-Price Delivery Order (DO) under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC). The purpose of this action is to acquire maintenance, remote support and hard drive retention for three International Business Machines Corporation (IBM) WebSphere DataPower Integration Appliances Model XI52 for the continuous support of the Identity and Access Management (IAM) office transition from Veterans Affairs Authentication Federation Infrastructure (VAAFI) system to the Austin Information Technology Center (AITC) operations.

3. Description of the Supplies or Services: The proposed action is to procure maintenance, remote support and hard drive retention for IBM WebSphere DataPower Integration Appliances Model XI52. Maintenance includes, On-Site Repair/Exchange Services, 7 days a week, 24hrs/day. Remote support includes: Access to IBM remote technical software support, access to updates, new versions and releases of applicable software. The period of performance for the maintenance, remote support and hard drive retention is May 1, 2013 through March 18, 2014. The total estimated price of the proposed action is [REDACTED].

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:

This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The IBM WebSphere DataPower Integration Appliances are a foundational component of VAAFI. This proprietary device provides specialized capabilities for digital signing through certificates, supporting the specialized access control to the private data of Veterans. VAAFI currently has several WebSphere DataPower appliances in a production configuration, supporting over 300,000 Veteran interactions with Internet-based services each month. These devices require uninterrupted and ongoing maintenance, remote support and hard drive retention of the existing devices. Without fully operational WebSphere DataPower Integration Appliances, serious disruption will occur in the ability of a large user population to efficiently access and utilize core VA services and other Federal information systems.



## WebSphere DataPower Maintenance, Remote Support and Hard Drive Retention

Specifically, the negative impacts of this degradation in service include a reduction or suspension of support services that will be experienced by current and planned electronic and digital signature customers which include the Nationwide Health Information Network (NwHIN), My HealtheVet (MHV), and Integrated Electronic Health Record (iEHR). Without IBM maintenance, remote support, and hard drive retention of the DataPower appliances, NwHIN and MHV will cease to function and the systems' large user population will be forced to use cumbersome, inefficient manual processes to access their health information and benefits. Finally, the introduction of any maintenance, remote support, and hard drive retention other than from IBM will compromise the integrity of Veterans authentications that are validated by the IBM WebSphere DataPower Integration appliances in VAAFI.

### 6. Efforts to Obtain Competition:

Market research was conducted, details of which are in the market research section of this document. It was determined that limited competition is viable among authorized resellers for this brand name effort. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsized at award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.

7. Actions to Increase Competition: Although the Government is limiting competition as a result of specifying a brand name item, there are authorized resellers of these products on the NASA SEWP IV GWAC. Limited competition for this requirement among these vendors is anticipated. Finally, in order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to perform additional market research so that other solutions can be considered.

8. Market Research: A Request for Information (RFI) #154439 was issued on April 4, 2013 to all vendors on the NASA SEWP website in order to identify potential sources other than the Original Equipment Manufacturer (OEM) IBM. The market research indicated the required product is available on the NASA SEWP IV contract. The RFI closed on April 9, 2013 and yielded one response from a large business in Group A. Additional market research was conducted by utilizing the Product Verification tool on the NASA SEWP website. The search revealed that there are 14 authorized IBM resellers; 1 in Group A, 0 in Group B, 8 in Group C, and 6 in Group D. The Contract Specialist contacted 2 small businesses in Group C and both small businesses indicated that they are capable of providing the required maintenance, remote support and hard drive. The market research demonstrates that adequate competition exists and therefore the Request for Quotation (RFQ) will be issued to SEWP IV contract holders in both Group B, Service Disabled Veteran Owned Small Businesses (SDVOSB) Value Added Reseller (VAR) and Group C, Small Business VAR.

### 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.

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 based on Contracts awarded on NASA SEWP IV GWAC have already been determined to be fair and reasonable. As there are thirty-eight potential vendors on NASA SEWP IV GWAC, price competition is anticipated. Finally, the successful quote will be compared to the Independent Government Cost Estimate.

James D. Cozzolino

Date: 4/25/2013

Procuring Contracting Officer

Signature: 

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.

James D. Cozzolino

Date: 4/25/2013

Procuring Contracting Officer

Signature: 