

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: The proposed action is for a firm-fixed-price task order (TO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC). The Office of Information and Technology has a requirement for Network Appliance, Inc. (NetApp) storage system maintenance upgrades and continuation of support for the Veterans Integrated System Technology Architecture (Vista) systems in place at the Health Systems Engineering and Design (HSED) Lab in the Philadelphia Sangard Data Center. The period of performance for this TO shall consist of a base period and four 12-month options. The base period shall run from date of award through February 28, 2014 which will align the coverage at these facilities with two other VA sites.
3. Description of the Supplies or Services: This proposed action shall provide upgraded maintenance support for NetApp hardware for the Veterans Health Administration (VHA) Innovation and HSED labs located in Philadelphia, PA. The labs provide testing resources for the Innovation project and HSED staff to support various projects. The NetApp hardware is a high availability storage system that is used in the current migration of VA site Vista databases to the Defense Information Systems Agency (DISA). The NetApp hardware maintenance shall be upgraded via this action so that it is available 24 hours a day, seven days a week to include holidays. The contractor shall respond within four hours after notification of the identified issues. Technical support shall have the ability to diagnose problems, recommend fixes or workarounds and, if necessary, dispatch a field technician to the Innovations or HSED lab. The total estimated value of the proposed action inclusive of options 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: Based on market research described in paragraph 8 of this document, it was determined that limited competition is available for the maintenance renewal of the brand name item. The brand name hardware is manufactured by Network Appliance, Inc. VA has a requirement for annual maintenance and support of existing VA owned NetApp brand name hardware.

NetApp Hardware Maintenance and Support Renewal

The operating systems installed on existing NetApp hardware are various versions of Windows and Red Hat Enterprise Linux. All of the hardware needs to support the current configurations that have been tested within the current infrastructure of the Philadelphia Lab. Procurement of maintenance capable to provide NetApp maintenance ensures the integrity of the lab such that applications will not be locked when conducting testing of existing and emerging technologies on the operating systems. As the NetApp systems are being used in the current migrations of VA site VistA databases to the DISA Defense Enterprise Computing Centers, interference with the current configurations would interfere with this mission critical project.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Based on this research, it was determined that limited competition is anticipated for the maintenance of the brand name item. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized on the Federal Business Opportunities page upon award and the justification will be made publicly available.

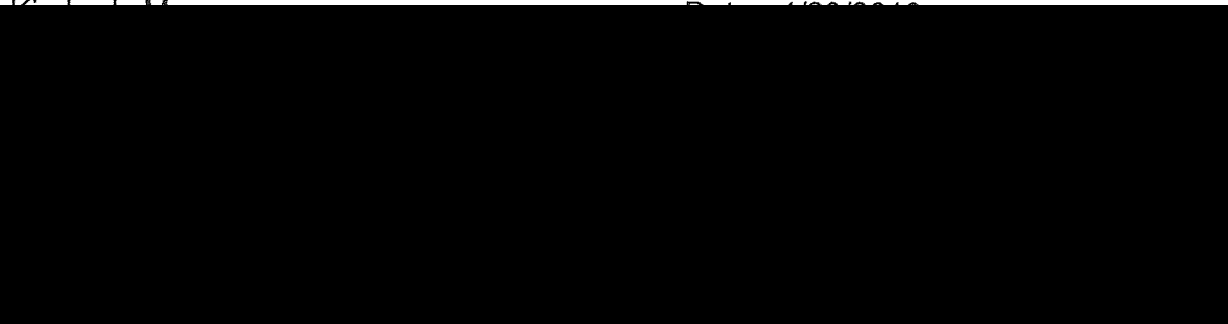
7. Actions to Increase Competition: Although the Government is limiting competition as a result of specifying a brand name, there are authorized resellers of these products on the NASA SEWP IV contract. Competition for this requirement among these vendors is anticipated. Furthermore, in order to remove or overcome barriers to competition in future acquisitions for this requirement, the Government will continue to conduct market research to consider alternate solutions.

8. Market Research: The Government's technical experts conducted market research in March 2013 by searching the NASA SEWP IV GWAC to ascertain if any other source, other than an authorized reseller can provide the aforementioned hardware maintenance support. It was determined no other source other than a Network Appliance, Inc. reseller was found that could provide the required maintenance support.

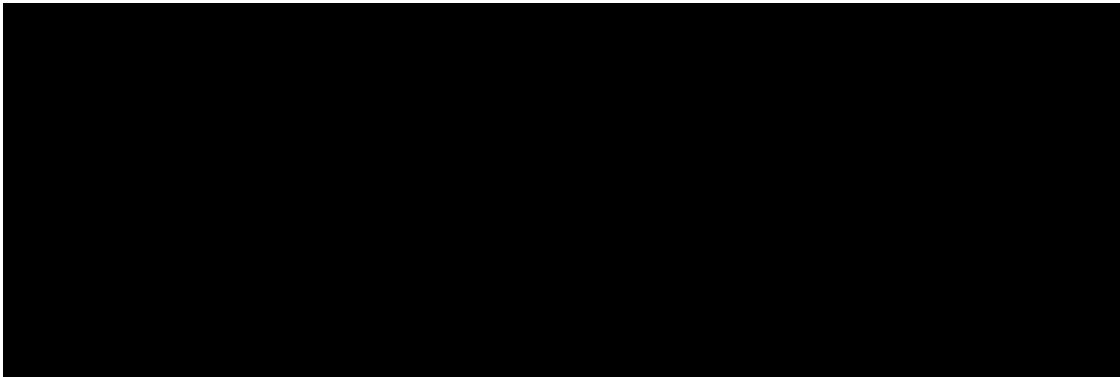
Additionally, market research was conducted using the NASA SEWP Manufacturer lookup tool. The research indicated that the support for NetApp products is widely available through 10 authorized resellers on the NASA SEWP contract including three vendors are from Group C (Small Business). Therefore, the Request for Quote will be submitted to Group B and Group C. Based on this market research, limited competition is expected for the proposed acquisition.

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 the expectation of price competition in addition to the fact that prices on the NASA SEWP IV GWAC have already been determined to be fair and reasonable. Additional price analysis will be performed by comparing the proposed prices to the IGCE.



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.

