



DEPARTMENT OF THE NAVY
NAVSUP FLEET LOGISTICS CENTER NORFOLK
700 ROBBINS AVENUE, BUILDING 2B
PHILADELPHIA, PA 19111-5083

IN REPLY REFER TO

J&A #11-066

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

1. **CONTRACTING ACTIVITY:** NAVSUP Fleet Logistics Center Norfolk
2. **DESCRIPTION OF ACTION BEING APPROVED:** The use of other than full and open competition to award a firm-fixed price order to Network Appliance (NetApp) or an authorized reseller of Network Appliance (NetApp) products for the procurement of the Network Appliance (NetApp) FAS3240 storage arrays for Disaster Recovery/Continuity of Operations (DR/COOP) requirements and the upgrade of existing Network Appliance FAS3020 Filer Head units in support of the Naval Criminal Investigative Service (NCIS) Cyber Department.
3. **DESCRIPTION OF REQUIRED SUPPLIES/SERVICES:** The proposed acquisition is for the procurement of Network Appliance (NetApp) FAS3240 storage arrays for Disaster Recovery/Continuity of Operations (DR/COOP) requirements and the upgrade of existing Network Appliance FAS3020 Filer Head units at Naval Criminal Investigative Service (NCIS) Headquarters in Quantico, VA; NCIS Atlantic Cyber Division in Norfolk, VA; and NCIS Pacific Cyber Division in San Diego, CA to enable additional storage capacity for operational data. Delivery is required to be made to the three (3) sites within 35 days of award of an order with twelve (12) months of SupportEdge (SE) Secure for Government, Next Business Day Onsite support provided upon delivery. The Government estimate for this acquisition is \$960,780.21. The effort will be funded with FY11 O&MN appropriations.
4. **STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION:** Section 4202 of the Clinger-Cohen Act of 1996, a sole source acquisition under the authority of the test program for certain commercial items, as implemented by FAR 13.501(a).
5. **RATIONALE JUSTIFYING USE OF CITED STATUTORY AUTHORITY:** The instant requirement is for the procurement of Network Appliance (NetApp) FAS3240 storage arrays for Disaster Recovery/Continuity of Operations (DR/COOP) requirements and the upgrade of existing Network Appliance FAS3020 Filer Head units at Naval Criminal Investigative Service (NCIS) Headquarters in Quantico, VA; NCIS Atlantic Cyber Division in Norfolk, VA; and NCIS Pacific Cyber Division in San Diego, CA.

Due to the increased operational tempo of the NCIS organization, additional storage capacity is needed for operational data needed to fulfill their mission requirement. The existing Network Appliance FAS3020 Filer Head units are only capable of supporting a maximum of 84 terabytes and do not support the current version of the ONTAP operating system of the NetApp FAS-series systems operated out of the DR/COOP site in West Virginia. This procurement will provide for the purchase of additional storage arrays to maintain compatibility with the NCIS Information Technology architecture at the COOP site as well as maintain their investment in existing storage units by increasing the raw capacity of each existing filer to 180TB.

Procurement of any other storage array than that requested will result in interoperability issues between the sites and compromise the mission of the command. These additional storage arrays and upgrades of existing storage arrays will allow for continued interoperability and compatibility with the existing IT architecture at the DR/COOP site and the additional sites noted here. Without the procurement of the noted NetApp storage arrays and their upgrades, NCIS will be unable to fulfill its mission requirements which would be potentially detrimental to the protection of DON/DOD classified information. No other products will meet the needs of the Government.

6. **DESCRIPTION OF EFFORTS MADE TO SOLICIT OFFERS FROM AS MANY OFFERORS AS PRACTICABLE:** Individuals from NCIS and NAVSUP Fleet Logistics Center Norfolk conducted market research to determine what sources were available for obtaining the NetApp products. Market research included telephone contact with the original equipment manufacturer (OEM), Network Appliance, as well as a search of their website. This research revealed there were a number of authorized resellers of NetApp products sufficient to promote effective competition.

ATT V

The negotiator did post a synopsis to the Government Point of Entry website (www.neco.navy.mil) describing the requirement and stating the Navy's intent to award an order for NetApp storage arrays on a brand name mandatory basis. No challenges have been received to this synopsis.

7. DETERMINATION OF FAIR AND REASONABLE COST: The NAVSUP Fleet Logistic Center Norfolk Contracting Officer will determine the price to the Government of the products covered by this J&A to be fair and reasonable.

8. ACTIONS TAKEN TO REMOVE BARRIERS TO COMPETITION: For the reasons set forth in Paragraph 5 above, NAVSUP Fleet Logistics Center Norfolk has no plans at this time to compete future requirements for the supplies covered by this document. Presently, the customer has identified no future plans for the additional procurement of these NetApp products. All future requirements however will be handled on a case-by-case basis.

Document Prepared By: Regina Magee, Contract Negotiator
215-697-9633, regina.magee@navy.mil

CERTIFICATIONS AND APPROVAL

TECHNICAL/REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance which are included in this Justification and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

Technical Cognizance/Requirements Cognizance:

Edward So EDWARD SO 202-433-9259 15 July 2011
Signature Name (Printed) Phone No. Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

Robert McManus ROBERT McMANUS 215-697-9168 7/19/11
Signature Name (Printed) Phone No. Date

CONTRACTING OFFICER CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief. To the extent that the J&A/LSJ value is between \$150K and \$650K, the Contracting Officer's signature below also represents approval of the J&A/LSJ.

Daniel P. Damanski Daniel P. Damanski 215-697-9730 7/19/2011
Signature Name (Printed) Phone No. Date

CONTRACTING ACTIVITY COMPETITION ADVOCATE REVIEW

To the extent that the J&A/LSJ value is between \$650K and \$12.5M, the Competition Advocate's signature below also represents approval of the J&A/LSJ.

Robert M. [Signature] _____ _____ 7/20/11
Signature Name (Printed) Phone No. Date