



JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY (above SAT)

- 1. IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY:** The requiring activity is The Joint Staff, J6 C4 Assessments Division (C4AD), Suffolk, VA and the contracting activity is the Philadelphia Office of NAVSUP Fleet Logistics Center Norfolk.

- 2. NATURE/DESCRIPTION OF CONTRACT ACTION:** The instant requirement is being competed through a limited source competition among holders of Solutions for Enterprise-Wide Procurement (SEWP) Information Technology (IT) contracts, a Government-Wide Acquisition Contracting (GWAC) vehicle of the National Aeronautics & Space Administration (NASA) which is authorized by the Office of Management & Budget (OMB) for utilization by all Federal Agencies. This is a limited source action to be awarded as a new SEWP delivery order(s) to the original equipment manufacturer (OEM) or an authorized reseller of Dell Computer Company, a large business. The placement of a fixed price order is anticipated.

- 3. DESCRIPTION OF REQUIRED SUPPLIES/SERVICES:** Dell PowerEdge R630 & R920 rack servers (15 & 4 each, respectively) and Dell Precision 7910 rack workstations (20 each) as part of the C4AD Cyber Infrastructure Enhancement.

- 4. IDENTIFICATION OF THE EXCEPTION TO FAIR OPPORTUNITY & SUPPORTING RATIONALE, INCLUDING A DEMONSTRATION OF CONTRACTOR'S UNIQUE QUALIFICATIONS:** The statutory authority which permits not providing each multiple award contract (MAC) holder a fair opportunity to be considered for each MAC order exceeding \$3,000 is 10 U.S.C. 2304c, as implemented by FAR 16.505(b)(2). Per FAR 16.505(a)(4), the Contracting Officer must justify restricting consideration to an item peculiar to one manufacturer (e.g., a particular brand-name, product, or a feature of a product that is peculiar to one manufacturer). A brand-name item, even if available on more than one contract, is an item peculiar to one manufacturer. Brand-name specifications shall not be referenced unless the particular brand-name product, or feature of a product, is essential to the Government's requirements and market research indicates other companies' similar products, or products lacking the referenced features, do not meet, or cannot be modified to meet, the agency's needs. The justification for limiting sources for the instant requirement is that the required Dell computer products are brand name products peculiar to one manufacturer. Therefore only Dell Computer Company or its authorized resellers can fulfill the instant requirement, as required Dell computer products & the features of those products are proprietary to Dell Computer Company, a large business.

Dell PowerEdge R630 & R920 rack servers and Dell Precision 7910 rack workstations are required to increase C4AD's cyber capabilities to support two large persistent cyber environments & three large event-driven cyber environments simultaneously. The existing Joint Staff, J6 C4AD project networks are comprised entirely of Dell high-speed network components to prevent any interoperability issues, and the acquisition of other than Dell rack servers & workstations would require the redesign, reengineering, and subsequent reprocurement of C4AD project networks. Considering that there must

be seamless coordination, connection, & interface among all components operating within the existing C4AD project networks for the networks of the C4AD labs to mirror & emulate existing Joint Staff, J6 networks, another manufacturer's products could not be properly reconfigured to operate correctly within established C4AD lab networks. Consequently, incorporating other than Dell high-speed network components into the existing C4AD project networks would result not only in interoperability issues degrading network functionality & reliability, but issues concerning network security.

5. DETERMINATION OF FAIR AND REASONABLE COST: NASA has established that the prices for Dell computer products under its SEWP IT MAC's are fair & reasonable. NASA SEWP IT MAC's are FAR Part 12 commercial contracts. NASA receives additional discounts off the commercial price lists of its SEWP IT MAC holders. NASA has conducted price analysis in accordance with FAR 15.305(a)(1) and determined the proposed discount pricing of its SEWP IT MAC holders to be fair & reasonable in accordance with FAR 15.403-1(c)(1)(i)(B). Utilizing the procedures in FAR 15.404-1, the NAVSUP FLC, Philadelphia Office Contracting Officer will determine that quoted pricing through a limited source competition among SEWP IT MAC holders represents the best value to meet the requirements of the Government, and will document such determination with a level of detail commensurate with the complexity and circumstances of each delivery order issued.

6. DESCRIPTION OF MARKET RESEARCH: The requiring activity conducted market research, inclusive of General Services Administration (GSA) schedule contract holders. Research relative to the commercial availability of networking products required to enhance existing Joint Staff, J6 C4AD project networks was done by reviewing catalogs & other generally available manufacturer product literature, reviewing the results of recent market research undertaken to meet similar requirements, and subsequently contacting knowledgeable individuals within the computer industry and the Government. The result of that market research was twofold. Market research by the requiring activity confirmed that the instant requirement can be met by the types of items customarily available in the commercial marketplace that meet the definition of commercial items as described at FAR Subpart 2.1. Furthermore, market research by the requiring activity resulted in the determination that the networking products required to enhance existing Joint Staff, J6 C4AD project networks can only be met by commercially-available Dell computer products (see Paragraph 4 above). Subsequent market research by the contracting activity resulted in the determination by the Contracting Officer that the most efficient & economical way to procure the instant requirement is through a limited source competition among SEWP IT MAC holders, which include authorized small business resellers of the computer products of Dell Computer Company (see Paragraphs 2 & 5 above).

7. ANY OTHER SUPPORTING FACTS: This procurement employs GWAC IT MAC's that will be solicited & award made in accordance with FAR Subpart 16.5.

8. ACTIONS TAKEN TO REMOVE BARRIERS TO COMPETITION: All future new requirements will be handled on a case-by-case basis.

9. CONTRACTING POINT OF CONTACT: The point of contact at the Philadelphia Office of NAVSUP FLC Norfolk is W. A. Woodring, Code 290.2B, who may be contacted at commercial telephone no. (215) 697-9644, DSN 442-9644, or e-mail address william.woodring@navy.mil.