LSJ# 15-052

Justification for an Exception to Fair Opportunity – Brand Name Justification

1. IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY:

This is a Justification for an Exception to Fair Opportunity. The requiring activity is Joint Staff (JS) J7; the contracting activity is the Fleet Logistics Center Norfolk, Philadelphia Office.

2. NATURE/DESCRIPTION OF CONTRACT ACTION:

This acquisition is conducted under the authority of 10 U.S.C. 2304a through 2304d. This is a limited source action to be awarded as a new delivery order to the large contractor, Cisco Systems, Inc., or an authorized reseller of Cisco Systems, Inc. under the National Aeronautics and Space Administration's Solutions for Enterprise Wide Procurement (NASA SEWP) which is a multi-award Government-Wide Acquisition Contract (GWAC) vehicle focused on IT products and product based services. The placement of a firm fixed-price order is anticipated.

3. DESCRIPTION OF REQUIRED SUPPLIES/SERVICES:

The proposed acquisition is to procure Cisco hardware (Cisco 4500s and modules) and software (Cisco Smartnet for the 4500s and Nexus 7000 Multiprotocol Label Switching (MPLS) licenses) in accordance with Attachment 1. Cisco SmartNet is required to meet Information Assurance directives and includes next business day advance hardware warranty replacement, access to Cisco's technical assistance center, and software upgrades/updates.

The required items are only available from Cisco Systems, Inc. or one of its authorized resellers. The cost estimate for this procurement is $173,792.16 of O&MDA funds. The contractor shall deliver the required items within thirty days from the effective date of award.

4. IDENTIFICATION OF THE EXCEPTION TO FAIR OPPORTUNITY RATIONALE AND/OR DEMONSTRATION OF CONTRACTOR'S UNIQUE QUALIFICATIONS:

The statutory authority which permits not providing each awardee a fair opportunity to be considered for each order exceeding $3,000 issued under a multiple award contract 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 used unless the particular brand-name, product, or feature is essential to the Government's requirements and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency's needs. Cisco is a brand name peculiar to one manufacturer.

As explained below, Cisco hardware (Cisco 4500s and modules) and software (Cisco Smartnet for the 4500s and Nexus 7000 MPLS licenses) are essential to the Government's requirements and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency's needs.

The requirement for Cisco hardware (Cisco 4500s and modules) and software (Cisco Smartnet for the 4500s and Nexus 7000 MPLS licenses) is part of an overall requirement to purchase

information technology equipment to support the planned technology improvements to JS J7 core mission infrastructure to support mission events in order to meet the present and future operational needs of the Joint and Coalition force. The new Cisco 4500s, modules, and licenses are components that will support the JS J7 requirement to migrate access layer connectivity within the JS J7 core mission infrastructure from 100Mb Ethernet to 1Gb Ethernet to the desktop.

Cisco hardware (Cisco 4500s and modules) and software (Cisco Smartnet for the 4500s and Nexus 7000 MPLS licenses) are essential to the Government because larger access layer connectivity is required to increase the security and overall capability of JS J7. The new Cisco 4500s, modules, and licenses are components that will support the JS J7 requirement to migrate access layer connectivity within the JS J7 core mission infrastructure from 100Mb Ethernet to 1Gb Ethernet to the desktop. These capabilities are needed in order to manage multiple event tests, event executions and integration of new and updated federation architecture capabilities.

In addition, Cisco 4500s, modules, and licenses are required to minimize a degradation of security posture against cyber threats. From the IA perspective, potential consequences of substituting systems will cause an invalidation of the Certification & Accreditation (C&A) security posture, testing and documentation, and thus a revocation of Authority to Operate (ATO) from Operational Designated Approving Authority. Cisco 4500s, modules, and licenses are essential in order to ensure technical compatibility with these requirements. The JSJ7 JTEN accreditation package has been submitted for an October ATO. The submitted network architecture and boundary security plan include these systems as a major component of the overall defense-in-depth design. Withdrawal and changing or modifying the package would cause a significant delay and missing of our accreditation impact date in October. Additionally, the introduction of new systems could present issues with regard to compatibility with the other parts of the system and could cause issues with regard to interoperability that cannot be predicted and that would cause significant costs and delays. Additionally, it is imperative for operation and maintenance purposes that each node of this system is identical so that technicians can easily train to repair the system and repair the system and so that parts needed for replacement can be properly identified and ordered. Cisco 4500s, modules, and licenses are essential so that the future event schedule for the JS will meet IA security requirements.

No other products can meet or be modified to meet the government's needs because proprietary Cisco TACACS+ features are used to invoke mandatory security access such that three tiers of user access rights are configured and each command entered by the user is authorized in accordance with policy and results logged. Additionally, private VLANs, L2 Security groups and MAC security are configured as needed. These functions do not work across non-Cisco equipment resulting in inconsistent and, thus, non-existent security posture. The required gear is only available from Cisco Systems, Inc. or one of its authorized resellers.

Thus, Cisco hardware (Cisco 4500s and modules) and software (Cisco Smartnet for the 4500s and Nexus 7000 MPLS licenses) are essential to the Government's requirements and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency's needs are essential to the Government's requirements and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency's needs.

5. **DETERMINATION OF FAIR AND REASONABLE COST:**
NASA SEWP did establish the prices for the CISCO 4500s, modules, Cisco Smartnet, and Nexus 7000 Licenses to be fair and reasonable. The NASA SEWP contracts are FAR Part 12 commercial contracts. NASA SEWP received additional discounts from the contractor's listed commercial list price. NASA SEWP conducted a price analysis in accordance with FAR 15.305(a)(1) and established reasonableness of proposed prices in accordance with FAR 15.403-1(c)(1)(i)(B). The Fleet Logistics Center Norfolk, Philadelphia Office Contracting Officer will determine, using the procedures in FAR 15.4, that the order represents the best value to meet the Government's needs.

6. **DESCRIPTION OF MARKET RESEARCH:**
The requiring activity and contracting activity have conducted market research among the multiple award contractors. The requiring activity certifies that the requirement can be met by a commercial item. The contracting activity conducted market research among NASA SEWP contract holders. The results indicate that the Government's needs may 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.

7. **ANY OTHER SUPPORTING FACTS:**
This procurement uses a GWAC and will be solicited and awarded in accordance with FAR Subpart 16.5.

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

9. **CONTRACTING POINT OF CONTACT:**
The point of contact at the Fleet Logistics Center Norfolk, Philadelphia Office is Orlando Whitaker, Code 290.2M, at DSN 442-9748, commercial (215) 697-9748 or by e-mail at orlando.whitaker1@navy.mil.

Attachment (1)

Equipment List

Manufacturer	Description	Part Number		Qty
Cisco	Catalyst 4500-X 24 Port 10G IP Base, Front-to-Back, No P/S	WS-C4500X-24X-IPB		4
Cisco	SMARTNET 8X5XNBD Cat 4500-X 24 Prt 10G IP Base, Front to	CON-SNT-WSC450X2		4
Cisco	Catalyst 4500X 750W AC front to back cooling 2nd PWR supply	C4KX-PWR-750AC-R/2		4
Cisco	Catalyst 4500X 750W AC front to back cooling power supply	C4KX-PWR-750AC-R		4
Cisco	IP Base license for Catalyst 4500-X	C4500X-IPB		4
Cisco	NEMA 5-15 to IEC-C15 8ft US	CAB-US515-C15-US		8
Cisco	CAT4500-X Universal Crypto Image	S45XUK9-36E		4
Cisco	Catalyst 4500X 8 Port 10G Network Module	C4KX-NM-8SFP+		4
Cisco	Catalyst 4500-X 32 Port 10G IP Base, Front-to-Back, No P/S	WS-C4500X-32SFP+		4
Cisco	SMARTNET 8X5XNBD Catalyst 4500-X 32 Port 10G IP Base, Fro	CON-SNT-C45X32SF		4
Cisco	Catalyst 4500X 750W AC front to back cooling 2nd PWR supply	C4KX-PWR-750AC-R/2		4
Cisco	Catalyst 4500X 750W AC front to back cooling power supply	C4KX-PWR-750AC-R		4
Cisco	IP Base license for Catalyst 4500-X	C4500X-IPB		4
Cisco	NEMA 5-15 to IEC-C15 8ft US	CAB-US515-C15-US		8
Cisco	CAT4500-X Universal Crypto Image	S45XUK9-36E		4
Cisco	Catalyst 4500X 8 Port 10G Network Module	C4KX-NM-8SFP+		4
CISCO	Nexus 7000 MPLS Licenses	N7K-MPLS1K9		2

Oct 2010

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:

[redacted]

Signature | Name (Printed) | Phone No. | Date

Requirements Cognizance:

[redacted]

Signature | Name (Printed) | Phone No. | Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

[redacted]

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.

[redacted]

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.

[redacted]

Signature | Name (Printed) | Phone No. | Date