



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

LSJ# 16-061

Justification for an Exception to Fair Opportunity (above SAT)

1. **IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY:** This is a Justification for an Exception to Fair Opportunity. The requiring activity is Joint Staff, J7 Deputy Director Joint Training (JS J7 DD JT); 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 delivery order to the large contractor, Cisco, or an authorized reseller of Cisco identified in paragraph 3 below. The placement of a firm fixed-price order is anticipated.

3. **DESCRIPTION OF REQUIRED SUPPLIES/SERVICES:** The proposed acquisition is for the procurement of new Cisco Integrated Service Routers, associated licenses, and IP phones that will be used to assemble new Service Delivery Points (SDP) for the expansion of JS J7 Joint IO Range's (JIOR) Cyber Mission Forces (CMF). The estimated cost of this procurement is . This requirement will be funded with FY16 Operation and Maintenance Defense Appropriation (O&MDA) appropriations. These funds are currently available. Expected delivery date is 45 days from the date of award. The items to be acquired are as follows:

Line #	Manufacturer Part #	Description	QTY
1	C1-CISCO4331/K9	Cisco ONE ISR 4331 (2GE,2NIM,1SM,4G FLASH,4G DRAM,IPB)	30
2	CON-SNT-C14331K9	Cisco SMARTnet Extended Service - Service - 8 x 5 Next Business Day - Exchange -Service Duration: 12 Months	30
3	SL-4330-IPB-K9	IP Base License for Cisco ISR 4330 Series	30
4	FL-4330-PERF-K9	Performance on Demand License for 4330 Series	30
5	GLC-LH-SMD	1000BASE-LX/LH SFP transceiver module, MMF/SMF, 1310nm, DOM	30
6	PWR-4330-POE-AC	AC Power Supply with POE for Cisco ISR 4330	30
7	CAB-C15-AC	AC Power Cord (North America) C15 NEMA-5-15P 2.5m	30
8	CAB-CONSOLE-USB	Console Cable 6 ft with USB Type A and mini-B	30
9	MEM-4300-4G	4G DRAM (2G+2G) for Cisco ISR 4330,4350	30
10	MEM-FLSH-4G	4G Flash Memory for Cisco ISR 4350, 4330, 4320	30
11	NIM-BLANK	Blank faceplate for NIM slot on Cisco ISR 4400	60
12	C1F1PISR4330SK9	Cisco ONE Foundation Perpetual License ISR 4331	30
13	CON-ECMU-C1F4330S	SWSS UPGRADES C1 Foundation Perpetual Lic ISR 4331Service Duration: 12 Months	30

14	SL-4330-SEC-K9	Security License for Cisco ISR 4330 Series	30
15	SL-4330-APP-K9	AppX License for Cisco ISR 4330 Series	30
16	ISRWAAS-RTU-750	ISRWAAS 750 conns RTU for ISR4300 series	30
17	CON-ECMU-ISRW750	SWSS UPGRADES ISRWAAS 750 conns RTService Duration: 12 Mos	30
18	VWAAS-RTU-1300	VWAAS 1300 conns RTU for UCS-E on single ISR only	30
19	CON-ECMU-VWS1300	SWSS UPGRADES VWAAS 1300 conns RTUService Duration: 12 Mos	30
20	C1-PI-LFAS-ISR-K9	Cisco ONE PI Device License for LF & AS for ISR	30
21	C1-NAM-60-VX10-K9	Cisco ONE vNAM Software 6.0 and 150 Mbps License	30
22	C1-CEM-100-K9	Cisco ONE Energy Management - 100 DO End Points	30
23	SM-X-ES3-24-P	SM-X EtherSwitch L2/L3 SM 24 GE POE	30
24	SISR4300UK9-315S	Cisco ISR 4300 Series IOS XE Universal	30
25	CP-8851NR-K9++=	Cisco IP Phone 8851 No Radio variant for TAA	60
26	FL-4330-HSEC-K9=	U.S. Export Restriction Compliance license for 4330 series	30

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).

The proposed requirement is for the procurement of new Cisco networking equipment which includes Integrated Service Routers, associated licenses, and IP phones. This equipment will be used to assemble new Service Delivery Points for JS J7 JIOR's CMF expansion. The JIOR is accredited by the Defense Intelligence Agency (DIA) to transport unclassified through top secret data network traffic on the same data network infrastructure; this is commonly called Multiple Independent Levels of Security (MILS). Cisco is currently the only networking equipment manufacturer authorized by the DIA to operate on the JIOR network. Procurement of equipment from a different manufacturer would require reaccreditation which would entail a lengthy testing and approval process that could take up to one year for approval. This testing would require additional cost to the Government in staff labor for thousands of dollars.

Systems which operate without MILS accreditation require different equipment for each classification level, increasing the total equipment cost. Introducing a different network manufacturer on JIOR would require testing to verify that equipment meets operational requirements as well as interoperability requirements with existing equipment. The testing, training, and certification to change to another system would cost hundreds of thousands of dollars. Without this equipment, JIOR will not be able to meet mission goals of installing equipment to support new customers.

Thus in accordance with FAR 16.505(a)(4)(i), Cisco Integrated Service Routers, associated licenses, and IP phones 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. This requirement will be awarded to Cisco, Inc. or an authorized reseller of Cisco, Inc. The additional costs necessary to attempt to integrate another company's hardware and software are not likely to be recovered through the use of a competitive acquisition.

5. DETERMINATION OF FAIR AND REASONABLE COST: The National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) contract did establish the prices for the required supplies 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.

The requiring activity has verified that third party support contractors are not authorized to work directly with the original equipment manufacturer to provide software feature enhancements, bug fixes, and security updates, as for reasons of security and intellectual property protection, Cisco Systems, Inc. does not publicize the details of all software and hardware defects to third party support contractors. As a consequence, the ability to access necessary detailed proprietary Cisco hardware & software documentation without restriction is only available to Cisco authorized resellers for provision to the end user. Cisco resellers were contacted to provide multiple quotes. A reseller must maintain a Cisco Gold or Platinum certification to supply and/or maintain the equipment.

The acquiring agency's market research includes review of the Cisco website to find authorized federal resellers. These resellers were cross-referenced to the vendors that provide Cisco products via existing government contract vehicles. Although this requirement is limited source (brand name), there were found to be several such authorized federal resellers that can be solicited via existing contract vehicles. If JIOR changes its physical infrastructure, then products other than the brand name products herein may be utilized.

7. ANY OTHER SUPPORTING FACTS: This procurement uses a GWAC and will be solicited and awarded in accordance with FAR Subpart 16.5. The brand name Exception to Fair

Opportunity will be posted with the solicitation to NASA SEWP and will invite responses from Cisco and its authorized resellers.

8. ACTIONS TAKEN TO REMOVE BARRIERS TO COMPETITION: All future requirements will be handled on a case-by-case basis. Unless and until JIOR changes its physical infrastructure, competitive acquisitions for this requirement are unlikely to be practicable. Market research will be conducted prior to any acquisition to determine if other vendors' products will meet the government's requirement. Additionally, the successful accreditation of another vendor's products for use in a MILS environment may allow for competition in future acquisitions.

9. CONTRACTING POINT OF CONTACT: The point of contact at the Fleet Logistics Center Norfolk, Philadelphia Office is Joseph Maier, Code 290.2K, at DSN 442-4704, commercial (215) 697-4704 or by e-mail at joseph.e.maier@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

(Per NAVSUPINST 4200.83F, the end user may perform this technical certification.)

(Signature) (Title) (Phone) (Date)

Requirements Cognizance

(Signature) (Title) (Phone) (Date)

Legal Sufficiency Review

I have determined this justification is legally sufficient

Signature Printed Name 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.

Signature Printed Name 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.

Signature Printed Name Phone No. Date