DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING AND EXPEDITIONARY WARFARE CENTER
1000 23RD AVENUE
PORT HUENEME CA 93043-4301

IN REPLY REFER TO
JA-14-014

September 9, 2014

JUSTIFICATION AND APPROVAL FOR LIMITED USE OF OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity.

The requiring activity is Naval Facilities Engineering Command (NAVFAC) Headquarters, Washington, DC; the contracting activity is NAVFAC Engineering and Expeditionary Warfare Center (EXWC) Acquisitions, Port Hueneme, CA. The Acquisitions Point of Contact (POC) is Meadow Rivas, who can be reached at DSN 551-4566 or Commercial (805) 982-4566.

2. Description of the Action Being Approved.

Approval is sought to obtain authority to use other than full and open competition to procure Toad database administration (DBA) for Oracle and Toad Data Point Base Edition software licenses, maintenance, and support using the Department of Defense Enterprise Software Initiative (ESI) Blanket Purchase Agreement (BPA). ESI is a mandatory source in accordance with DFARS 208.7402. This authority would allow negotiations with DLT Solutions, the sole authorized reseller of Dell's (formerly Quest Software) Toad DBA software products.

DLT Solutions is the only entity found to be qualified to satisfy the requisite brand name, as determined by a search for "W91QUZ-06-A-0004", "Toad", "Dell" and "Quest" on the ESI website and a search of federal contract vehicles on www.quest.com.

Award will be for a base year plus four (4) one-year options for annual licenses (unlimited seats).

3. Description of Supplies/Services.

An ESI BPA authorized reseller of Toad DBA for Oracle and Toad Data Point Base Edition software products will provide the following:

- Unlimited Toad DBA Suite for Oracle software licenses, and twelve months of Maintenance and Support
- Unlimited Toad Data Point Base Edition software licenses, and twelve months of Maintenance and Support

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Estimated Dollar Value:

	FY14	FY15	FY16	FY17	FY18	Total
OM&N	[redacted]					
Total	[redacted]					

4. Statutory Authority Permitting Other Than Full and Open Competition.

Authority for the use of limited sources when placing orders and restricting consideration to an item peculiar to one manufacturer (e.g., a particular brand name, product, or a feature of a product, peculiar to one manufacturer) is found at FAR 8.405-6(a)(2).

5. Rationale Justifying Use of Cited Statutory Authority.

a. FAR 8.405-6(b)(1) is titled "Limited Sources Justification and Approval" and states:

> Orders placed under Federal Supply Schedules are exempt from the requirements in Part 6. However, an ordering activity must justify its action when restricting consideration in accordance with paragraphs (b)(1) of this section—
> (b) *Items peculiar to one manufacturer.* An item peculiar to one manufacturer can be particular brand name, product, or a feature of a product, peculiar to one manufacturer. A brand name item, whether available on one or more schedule contracts, is an item peculiar to one manufacturer.
> (1) 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.

b. NAVFAC currently owns and maintains Toad DBA Suite for Oracle licenses. With increasing demands on NAVFAC Engineering and Expeditionary Warfare Center Chief Information Office (EXWC CIO) as a hosting provider the continued high level of efficient and effective administration of the large number of Oracle databases at NAVFAC Information Technology Center (NITC) is required. The Toad software product has proven to be an ideal solution to provide tools required for DBA's to remain proactive in automating database maintenance, ensuring optimal performance, and resolving issues before adversely impacting production applications. Without this tool, the NITC DBAs would not be able to effectively manage the large number of databases used by NAVFAC applications hosted at NITC.

Toad software is also the database query tool of choice by NAVFAC MAXIMO, EXMIS and ieFACMAN users located around the world (CONUS and OCONUS). Toad allows the NAVFAC community the ability to produce on-demand queries of NAVFAC business data directly from hosted Oracle databases.

Dell is the only company that can provide the Toad software licenses as the software is copyrighted. Also, the software maintenance requires access to the source code and copyrighted

software. Only the entity that owns the intellectual property rights in the software or its designee can provide software maintenance.

While it would be possible for NAVFAC to purchase or utilize different database query tools, this would require NAVFAC to purchase or reconfigure the database connections, Unix/Linux/Windows Operating Systems, and CITRIX Secured delivery that interface with the databases for Enterprise Business Systems. Additionally, evaluation of alternative products rendered the following findings:

1) Alternative products do not provide required functionality for both database administrators and functional users so multiple database query tools would have to be purchased.
2) The alternative products do not provide the required security and infrastructure protections required under new and expanded Information Assurance requirements and guidelines in the NAVFAC environment, exposing NAVFAC to security issues that would prevent delivery of services to Enterprise Business Systems.

In addition, using new software would require retraining employees and implementing new systems and business processes and procedures.

In sum, buying similar software would result in high costs to transition, which would not be recovered through competition. Reconfiguration of NAVFAC Enterprise Business Systems would be required, causing a detrimental impact to NAVFAC's Information Assurance compliance level and deactivation of Business Systems.

NAVFAC's current maintenance contract for previously purchased licenses is ending in FY14. To remain compliant with Information Assurance requirements, maintenance agreements with vendors must be in place for current software licenses.

NITC therefore needs to renew existing Toad licenses to provide continuity of service to the NAVFAC community, and meet user access requirements of enterprise applications such as ieFACMAN, MAXIMO and EXMIS.

6. Description of Efforts Made to Solicit Offers from as Many Vendors as Practicable:

As described above, solicitation of offers will be limited to the authorized reseller of TOAD DBA software products. Market research determined that a reseller exists and is represented on the ESI website. The ESI web site is available at the following URL: http://www.esi.mil/main.asp.

In accordance with DFARS 208.7402 ESI is a mandatory source. Enterprise Software Initiative (ESI) lists a single authorized reseller that is capable of providing the license support. Therefore, no other providers will be solicited.

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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.

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MICHAEL K. KIRK Director, NITC/EXWC CIO NAVFAC EXWC	805-982-5795 Phone No.	Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient

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Digitally signed by HADJI.PHILIP.S.1409805554
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USN, cn=HADJI.PHILIP.S.1409805554
Date: 2014.09.10 09:00:34 -07'00'

PHILIP HADJI Assistant Counsel NAVFAC EXWC	805-982-2831 Phone No.	Date

CONTRACTING OFFICER CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief.

BUCKLEY.DEBRA.R.1231895074
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Date: 2014.09.10 12:04:16 -07'00'

DEBRA R. BUCKLEY Contracting Officer NAVFAC EXWC	805-982-3993 Phone No.	Date

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ECHELON III CHIEF OF THE CONTRACTING OFFICE CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief.

SERJIO C. GUZMAN Chief of the Contracting Office NAVFAC EXWC	805-982-3010 Phone No.	9/11/14 Date

APPROVING OFFICIAL (NFAS 6.304)

Upon the basis of this justification, I hereby approve the solicitation of the proposed procurement(s) described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c)(1).

M.K. EDELSON CAPT, CEC, USN Commanding Officer NAVFAC EXWC	805-982-2111 Phone No.	12 Sep 14 Date