

**Justification for Exception to Fair Opportunity
Brand Name FAR 16.505(a)(4)(i)**

1. Agency and Contracting Activity.

The Department of Homeland Security (DHS), U.S. Coast Guard (USCG) Command, Control, Communications, Computers, Cyber, and Intelligence Service Center (C5ISC), 7323 Telegraph Road Alexandria, VA 20598-7320 prepared this justification for an exception to fair opportunity.

2. Nature and/or description of the action being approved.

The USCG intends to award a delivery order (DO) for brand-name Red Hat (RH) software maintenance support, pursuant to FAR 16.505 (a)(4)(i), restricting consideration to an item peculiar to one manufacturer. This brand name requirement will result in a Firm-Fixed Price (FFP) DO issued amongst authorized RH resellers on the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V contract vehicle.

3. Description of Supplies/Services.

The USCG requires continued RH software maintenance for support in performing server software and associated maintenance, in order for the USCG to receive technical support, security patch updates, and software release updates. This maintenance purchase is for RH software that is currently owned by USCG and installed on C5ISC Kearneysville managed systems. The software maintenance is necessary to ensure all C5ISC managed operating systems can continue to meet and sustain security requirements on the network and cloud computing for the CG network.

The total estimated price for the annual RH software is [REDACTED] using FY23 funding as detailed below. The Period of Performance is 01/01/2023 thru 12/31/2023.

Description RH Account Number 1330354	Part Number	QTY	Unit Cost	Estimated Cost
Red Hat AMQ, Premium (64 Cores)	MW2399076	2	[REDACTED]	[REDACTED]
Red Hat Ansible Automation, Premium (100 Managed Nodes)	MCT3694	2	[REDACTED]	[REDACTED]
Red Hat Enterprise Linux Servers, Premium (Physical or Virtual Nodes)	RH00270	11	[REDACTED]	[REDACTED]
Red Hat Enterprise Linux for Virtual Datacenters, Premium	RH00001	85	[REDACTED]	[REDACTED]
Red Hat Enterprise Linux for Virtual Datacenters, Standard	RH00002	28	[REDACTED]	[REDACTED]
Red Hat Enterprise Linux Server entry Level, Self-Support	RH00005	1	[REDACTED]	[REDACTED]
Red Hat Enterprise Linux Server, Premium (Physical or Virtual Nodes)	RH00003	8	[REDACTED]	[REDACTED]
Red Hat Enterprise Linux Server, Standard (Physical or Virtual Nodes)	RH00004	30	[REDACTED]	[REDACTED]

Red Hat enterprise Linux v6 Extended Life Cycle Support (Unlimited Guests)	RH00271	84	[REDACTED]	[REDACTED]
Red Hat High Availability	RH00025	15	[REDACTED]	[REDACTED]
Red Hat Resilient Storage	RH00026	15	[REDACTED]	[REDACTED]
Red Hat OpenShift Platform Plus with Runtimes and Red Hat OpenShift Data Foundation Advanced, Premium 24X7 & Web Support (2 Cores or 4 vCPUs)	MW01791	90	[REDACTED]	[REDACTED]
Estimated Total Cost		371	[REDACTED]	[REDACTED]

4. Identify the exception to fair opportunity and supporting rationale.

Justification for Brand Name Exception to Fair Opportunity -

The statutory authority permitting exception to fair opportunity is FAR 16.505(b)(2)(i)(B). “Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.” This requirement will be procuring items peculiar to one manufacturer on a brand name basis in accordance with FAR 16.505(a)(4).

RH is proprietary and is currently on various USCG systems. Only brand name RH software maintenance can provide continued support of the existing investments. The support described in this action must be provided by an authorized reseller and certified maintenance service provider. Additionally, the support described in this action must be registered with the manufacturer.

RH software is currently used throughout the USCG network infrastructure. The RH annual software maintenance renewal must be purchased in order to keep the software up to date, receive security patches as they are released, and maintain hardware capabilities. No other brand can provide the proprietary software and hardware updates. The maintenance renewal is necessary to ensure C5ISC - Kearneysville can continue to meet the change management and configuration management mandates for all components that reside within its boundaries.

Due to the RH proprietary requirements by the USCG, the contracting strategy, which will provide the Government best value, is competing the brand-name RH renewal requirement using the NASA SEWP V contracting vehicle.

5. Determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.

The Contracting Officer determines that the anticipated cost will be fair and reasonable based on adequate price competition between two or more responsible offerors. There are multiple authorized RH resellers on NASA SEWP V which will ensure adequate competition.

6. A Statement of the Actions, if Any, the Agency May Take to Remove or Overcome Any Barriers to Competition Before Any Subsequent Acquisition for Supplies or Services Required.

The Government anticipates adequate competition between two or more responsible offerors. There are multiple authorized RH products resellers on NASA SEWP V, which will ensure adequate competition. The USCG will continue to monitor the marketplace and evaluate requirements on future contracting actions.

7. Contracting Officer's Certification.

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

[Redacted]
Contracting Officer

Date

8. Technical/Requirements Personnel Certification.

I certify that this requirement meets the Government's minimum need and that the supporting data, which forms a basis for the justification, is accurate and complete.

[Redacted]
Technical Representative/COR

Date

9. APPROVAL:

[Redacted]
Command Procurement Activity Competition Advocate (CPACA)

Date