

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), the United States Coast Guard (USCG), Command, Control, Communications, Computers, Cyber and Intelligence Service Center (C5ISC), C5I Contracting and Procurement, Alexandria (CG-9141) located at 7323 Telegraph Road, Alexandria, VA 20598-7320, prepared this justification for an exception to fair opportunity.

2. NATURE/DESCRIPTION OF THE ACTION:

The USCG intends to award a delivery order under the brand name exception to fair opportunity for brand name VMware vRealize Automation and Operation Licenses and Maintenance pursuant to FAR 16.505(a)(4), restricting competition to items peculiar to one manufacturer. This will result in a Firm-Fixed Price (FFP) delivery order competed among authorized VMware resellers via Department of Homeland Security (DHS) First Source II Indefinite Delivery/Indefinite Quantity contract vehicle.

3. DESCRIPTION OF SUPPLIES/SERVICES:

The USCG requires the purchase of new VMware vRealize Automation and Operation licenses and maintenance of VMware vRealize Automation and Operations (██████████) to enable USCG Cloud services to authorize new cloud provisioning, management and troubleshooting of virtual machines. The period of performance for these licenses is 04/15/2021 – 04/14/2022. The estimated amount is \$ ██████████ using FY21 funds.

MODEL	DESCRIPTION	TYPE	QTY	PRICE	PRICE
VMware	vRealize Operations				
VR8-OADO25-F-L5-2	TPP L5 U.S. Federal VMware vRealize Operations 8 Advanced (25 OSI Pack)	OpenMarket	█	██████████	██████████
VR8-OADO25-P-SSS- F-2	U.S. Federal Production Support/Subscription for VMware vRealize Operations 8 Advanced (25 OSI Pack) for 1 year	OpenMarket	█	██████████	██████████
	vRealize Automation			██████████	██████████
VR8-ATAD25-F-L5-2	TPP L5 U.S. Federal VMware vRealize Automation 8 Advanced (25 OSI Pack)	OpenMarket	█	██████████	██████████
VR8-ATAD25-P-SSS-F- 2	U.S. Federal Production Support/Subscription for VMware vRealize Automation 8 Advanced (25 OSI Pack) for 1 year	OpenMarket	█	██████████	██████████
				TOTAL	\$ ██████████

4. IDENTIFY THE EXCEPTION TO FAIR OPPORTUNITY AND SUPPORTING RATIONALE:

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

[REDACTED]

procuring items peculiar to one manufacturer on a brand name basis in accordance with FAR 16.505(a)(4).

VMware is proprietary and only authorized resellers can provide the required licenses and maintenance support. The brand name VMware vRealize Automation and Operation licenses are required to provide newly acquired servers with monitoring, compliance tracking, troubleshooting and capacity planning of the VMware virtualization/USCG Cloud Services environment, as well as monitoring of the Cisco UCS hardware platform. The brand name VMware vRealize Automation and Operation product allows for the self-service provisioning and day to day management of virtual machines within USCG Cloud Services. Failure to procure additional software licenses and its associated maintenance would prohibit monitoring, troubleshooting and capacity planning for the USCG Cloud Services virtualization. It would also prohibit the support of additional provisioning and management of virtual machines. The use of other products could result in interoperability, compatibility, and interface issues that would preclude the system's support team from provisioning virtual machines. Further, no other product is able to interconnect and function with current USCG infrastructure, maintenance platforms and configuration.

The impact of discontinuing the use of the VMware licenses and software support would have critical negative implications. VMware currently supports all server virtualization of the Coast Guard's enterprise. Due to the VMware proprietary requirements by the USCG, the contracting strategy that will provide the Government the best value is competing the brand-name VMware software maintenance renewal using the DHS First Source II 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, as there are multiple authorized on DHS First Source II contract vehicle. The Contracting Officer will seek additional price reductions before placing the order. The Contracting Officer will also perform a price evaluation to determine that the price at the time of award represents the overall best value for the Government and is consistent with the DHS First Source II contract vehicle terms.

6. STATEMENT OF ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS TO COMPETITION BEFORE ANY SUBSEQUENT ACQUISITIONS FOR SUPPLIES OR SERVICES:

Currently, VMware is proprietary and is on the USCG network. The availability of multiple vendors that can provide brand name VMware licenses and maintenance ensures competition. The USCG will continue to monitor changes in the market place and consider the possibility of competing replacement systems vice procuring this brand name specific license and maintenance.

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

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]
Trina R. Queen
Contracting Officer's Representative

APPROVAL:

[REDACTED]
Contracting Officer