

DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE

MULTIPLE DELIVERY/TASK ORDER CONTRACTS  
JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY (JEFO)

I recommend that the U.S. DEPARTMENT OF THE TREASURY use limited awardees for the acquisition of the following supplies or services available under an indefinite-delivery contract. If this acquisition is to be made with only one awardee or a limited number of awardees, negotiations will be conducted with the indicated proposed supplier(s) in accordance with FAR 16.505 (b)(2)(ii)(B):

1. DESCRIPTION OF SUPPLIES OR SERVICES

Purchase of: Renewal of Maintenance for Net App Mass Storage equipment in support of the SOI Program.

CS-A2-4R SupportEdge Standard Part Replace 4hr, FAS3140A, Post Warranty Serial Number: 700000047456,700000047468

CS-O2-4HR SupportEdge Premium 4hr Onsite, FAS3140A Serial Number: 700000407345,700000407357

CS-O2-4HR SupportEdge Premium 4hr Onsite, FAS3140A, Post Warranty Serial Number: 700000408026,700000408038

Period of Performance: 10/1/13 – 9/30/14

2. REQUISITION NO.

Q4QF42SOI01

4. NAME(S) OF PROPOSED SOURCE(S)

TBD

3. COST ESTIMATE

\$161,804.86

REQUESTING OFFICE CERTIFICATION

I certify that the attached justification is accurate, and contains complete data necessary to support the recommendation for only one or limited awardees justification and approval.

5. REQUESTING OFFICE  
REPRESENTATIVE (Name &  
Title)

Carla Downs, IT Specialist

(Signature)

(Phone No.)

(Date)

770/455-2615

08/23/2013

SMALL BUSINESS CERTIFICATION

I have reviewed the awardee list to locate small businesses for this procurement. If any were found, a list is attached.

6. SMALL BUSINESS  
SPECIALIST  
(Name and Title)

Sandra Dubose,  
Procurement Analyst

(Signature)

(Phone No.)

(Date)

404-338-9221

08/23/13

**PROCUREMENT OFFICE CERTIFICATION**

I certify that this submission is accurate, and that it contains complete information necessary to enable Approving Officials to make an informed recommendation for approval or disapproval.

<b>7. ASSIGNED CONTRACTING OFFICER (Name)</b>  Lori Aviles	<i>(Signature)</i>	<i>(Phone No.)</i>  404-338-9204	<i>(Date)</i>  8 / 23 / 2013
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Before requesting this procurement, state one statutory authority for this procurement to be conducted under "exception to fair opportunity" procedures. Provide narrative justification associated with the respective stated authority in block number 13.

**STATUTORY AUTHORITY EXCEPTIONS (FAR 16.505 (b)(2)(i))**

*(place an "X" in appropriate box and complete the rest of the form)*

<b>8.</b>	<b>FAR 16.505 (b) (2) (i) (A) – Need is so urgent that providing fair opportunity would result in unacceptable delays.</b>  This authority applies in those situations where (1) an urgent need precludes fair opportunity, and (2) delay in award of a delivery or task order would result in serious injury, financial or other, to the Government. (Explain why the agency's need for the supplies or services is so urgent that the Government would be seriously injured unless it limited the number of awardees. Solicitation from as many potential awardees as is practicable under the circumstances is required).
<b>9.</b>	<b>FAR 16.505 (b) (2) (i) (B) – Only one awardee is capable of providing the supplies/services required at the level of quality required because they are unique or highly specialized; or brand name specification.</b>  X Explain what makes this awardee the only responsible source i.e., Does this proposed contractor have facilities or equipment that are specialized and vital to the effort? Is the proposed contractor the only one that can meet critical schedules? Does the proposed contractor have prior experience of a highly specialized nature vital to the effort? Does the contractor have an exclusive licensing agreement? Why won't any other product or service satisfy the need? What are the unique features of the product that are unavailable in any other brand or products? Why was this particular product and/or vendor chosen? Are these features available in other models? Describe the rationale for the brand name specification. Describe the market survey and analysis efforts leading to this conclusion. In addition, for brand name, indicate that "the use of such description in the acquisition is essential to the Government's requirements, thereby precluding consideration of a product manufactured by another company."
<b>10.</b>	<b>FAR 16.505 (b) (2) (i) (C) – The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract (provided that all awardees were given a fair opportunity to be considered for the original order).</b>  Explain why the work is a logical follow-on and provide information on the original fair opportunity for the first order. The rationale shall describe why the relationship between the initial order and the follow-on is logical (e.g., in terms of scope, period of performance, or value).
<b>11.</b>	<b>FAR 16.505 (b) (2) (i) (D) – It is necessary to place an order to satisfy a minimum guarantee.</b>  This authority applies when it is necessary to award the delivery/task order to a particular awardee or awardees in order to satisfy the minimum contractual guarantee.

**12. FAR 16.505 (b) (2) (i) (E) – A statute expressly authorizes or requires that the purchase be made from a specified source (for orders exceeding the SAT).**

This authority may be used when a statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source. (Cite the authority that expressly authorizes that the acquisition be made through another agency or from a specified source, and attach a copy of the statute). **Note:** While this statutory exception includes the small disadvantaged business 8(a) set-aside program, a JEFO is not required for this type of procurement unless the amount exceeds \$20 million.

**13. JUSTIFICATION (ADD PAGES IF NEEDED)**

**A. DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED.**

Maintenance support is required for the existing NetApp mass storage equipment to keep the SOI-DPS operational. Due to the proprietary nature, only Net App and its resellers can provide the support required, including software support/updates.

**B. DESCRIBE THE EFFORTS TAKEN TO ENSURE OFFERS WERE SOLICITED FROM ALL MULTIPLE-AWARD CONTRACTORS, INCLUDING WHETHER A FAIR NOTICE OF INTENT TO MAKE A PURCHASE (WITH CLEAR DESCRIPTION OF SUPPLIES/SERVICES AND THE BASIS UPON WHICH THE SELECTION WILL BE MADE) WAS/WILL BE PUBLISHED ON THE AGENCY'S WEB PAGE FOR ALL AWARDEES TO SEE AS REQUIRED BY FAR 16.505(b)(1)(iii)(B)(1). STATE "ALL CONTRACTORS RESPONDING TO THE NOTICE OF FAIR OPPORTUNITY CAN SUBMIT AN OFFER AND HAVE THAT OFFER FAIRLY CONSIDERED."**

This requirement will be competed against the SEWP contract holders. All companies who currently include the required maintenance on the contract will be allowed to submit a quotation. All contractors responding to the notice of fair opportunity can submit an offer and have that offer fairly considered.

**C. DEMONSTRATION THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE.**

The requirement will be competed among SEWP contract holders, and it is anticipated that the cost will be fair and reasonable.

D. DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG ALL AWARDEES AND THE RESULTS OF THE RESEARCH (E.G., HISTORICAL ORDERING INFORMATION, LIST AWARDEES THAT EXPRESSED AN INTEREST IN WRITING IN THE ORDER AND THE RESULTS OF THAT INTEREST).

Due to the fact that the IRS already has an existing system containing the Net App Mass Storage equipment, there was no other market research conducted. The Services knows of no other equipment that can be substituted in the existing system other than the existing Net App configuration. The maintenance requirement will be competed via a SEWP RFQ.

E. DESCRIBE ANY OTHER FACTS TO SUPPORT THE JUSTIFICATION.

F. LIST THE ACTIONS, IF ANY, THAT THE BUREAU WILL TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE EXCEPTION TO FAIR OPPORTUNITY BEFORE ANY SUBSEQUENT ACQUISITIONS FOR SIMILAR SUPPLIES OR SERVICES.

This and future requirements will be purchased using competitive ordering procedures as there are several resellers of the required support.

G. STATEMENT THAT REQUIREMENT DOES NOT RESULT FROM A LACK OF PLANNING OR THE EXPIRATION OF FUNDS.

This requirement does not result from a lack of planning or the expiration of funds.

#### ADDITIONAL APPROVALS

<b>OVER \$650,000</b>	14. BUREAU COMPETITION ADVOCATE (Name & Title)	<input type="checkbox"/> APPROVE	(Signature)	(Phone No.)
		<input type="checkbox"/> DISAPPROVE		(Date)
<b>OVER \$12.5 MILLION</b>	15. BUREAU HEAD OR SENIOR EXECUTIVE SERVICE DESIGNEE (Name & Title)	<input type="checkbox"/> APPROVE	(Signature)	(Phone No.)
		<input type="checkbox"/> DISAPPROVE		(Date)
<b>OVER \$62.5 MILLION</b>	16. SENIOR PROCUREMENT EXECUTIVE (Name & Title)	<input type="checkbox"/> APPROVE	(Signature)	(Phone No.)
		<input type="checkbox"/> DISAPPROVE		(Date)

**NOTE:** Each review must be preceded by lower level approval(s), e.g., over \$62.5 million all approvals are required. **IN NO CASE WILL AN INDIVIDUAL SIGN MORE THAN ONE APPROVAL LEVEL.**