

**CLASS JUSTIFICATION & APPROVAL (J&A) FOR FEDERAL
ACQUISITION REGULATION (FAR) SUBPART 16.5 ACQUISITIONS
EXCEPTION TO FAIR OPPORTUNITY**

Multiple Award Schedule/Multiple Award Contract (MAC)
Orders under MAC/Fair Opportunity – FAR 16.505, Department of Defense (DoD)
FAR Supplement 216.505-70, Procedures, Guidance and Information 216.505-70

Purchase Request Number: Various
Contract Number: Various
Task/Delivery Order Number: Various
Procurement Title: Consolidated Class J&A for Department of Defense (DoD) Information Network (DoDIN) Equipment --Hardware, Software, and Associated Maintenance Services
Contracting Office: Defense Information Technology Contracting Organization- PL8322
Estimated Value: [REDACTED]
Primary Authority: FAR 16.505(a)(4); see paragraph4(j) for additional authorities

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

Number: JA15-127

Upon the basis of the following justification, I, as the Senior Procurement Executive (SPE) hereby approve this exception to fair opportunity, pursuant to 10 U.S.C. §2304c(b)(2) and FAR 16.505(a)(4), FAR 8.405-6(b)(1), or FAR 6.302-1(c). The particular brand name product(s) as outlined below are essential to the Government's requirements because only products which have been tested and approved for use on the DoDIN can be connected to the system.

1. REQUIRING AGENCY AND CONTRACTING OFFICE:

The requiring activity for this procurement is:

Defense Information Systems Agency (DISA)/Implementation and Sustainment Center
Logistics and Contracts Division
6910 Cooper Avenue
Fort Meade, Maryland 20755-0549

The contracting activity is:

DISA/PL8322
Defense Information Technology Contracting Organization (DITCO)
2300 East Drive
Scott Air Force Base, Illinois 62225-5406

2. NATURE/DESCRIPTION OF ACTION(S):

a. The DoDIN is the core global enterprise network of the United States military, comprising DoD-owned and leased telecommunications networks, subsystems, and operations support. The President, Office of the Secretary of Defense, military departments, defense agencies, combatant commanders, operating forces, and coalition partners all depend on the DoDIN for secure and sensitive voice, data, video, and bandwidth services. In the future, the scope of

DoDIN services may expand to support federal agencies outside of the DoD. As part of the overarching DoDIN, the DISA Information Systems Network (DISN) provides the backbone for critical functionality for the warfighters and all those who support them. Due to the expanding concept of a secure unified network, the more specific term DISN has been replaced by the all-encompassing term DoDIN.

b. The DoDIN supports transmission of voice, data, imagery, and video at all security classification levels. The secure network supports flexible and rapid provisioning and is easily extended and capable of accepting future technology insertions. It provides seamless interfaces to commercial networks to support increased highly secure traffic during surge and contingency conditions. It is capable of rapid restoration in order to minimize the necessity for independent/stand-alone operations. The network employs appropriate Information Assurance (IA) and security measures to address known threats. These measures have been implemented to protect mission data and safeguard system resources and information to ensure system availability in all conflict/threat scenarios. Using the DoD IA Strategy and available information security techniques and tools, the network supports information transfer at all classification levels and is in accordance with governing security guidelines.

c. The military services and agencies in the DoD are authorized users of the DoDIN. In the future, federal agencies outside of the DoD may also be considered authorized users of the DoDIN. The DoDIN is the backbone of the military's massive information network and a vital link in meeting DoD's net-centricity goals.

d. This class J&A is for acquisition of both major and minor equipment. The scope also includes software incidental to that hardware which is required to efficiently manage and maintain the current and approved DoDIN configuration. Examples of major equipment items are: provider edge and core routers, optical networking equipment, synchronous optical network switching gear, and fiber. Examples of minor equipment items are: spares, replacement parts, network equipment, storage devices, security tools, and other information technology products. These products are necessary to maintain and sustain an existing operational infrastructure, replace end-of-life products to current supported versions, and preserve the approved and Joint Interoperability Test Command-certified configuration baseline. Scope of the class justification shall also include logical follow-on services when limited sources are necessary to maintain warranty. These services include installation and on-going maintenance on the equipment purchased under this authority when the original equipment manufacturer (OEM) requires only authorized representatives provide such services.

e. This class J&A limits the competition for DoDIN equipment requirements to those products listed in the DoD Unified Capabilities (UC) Approved Products List (APL) which have been tested and approved for a specific intended purpose related to the DoDIN. The DoD UC APL is established in accordance with the Unified Command Requirements 2013 document and mandated by the DoD Instruction (DoDI) 8100.04. Its purpose is to maintain a single consolidated list of products that have completed Interoperability (IO) and IA certification. Use of the DoD UC APL allows DoD Components to purchase and operate UC systems over all DoD network infrastructures. Items on the UC APL have been tested and

approved for specific intended use(s). The test process associated with the UC APL maintains the operational baseline of the DoDIN by ensuring that all equipment and software installed on the DODIN will not cause degradation in performance. The current UC APL contains over 6,000 items, with a large variety of brands and manufacturers. The manufacturers identified in the UC APL obtain a Government sponsor and apply to have their items tested and added to the UC APL at any time. The baseline products have been tested and certified, in accordance with the DoDIN Test and Evaluation Strategy. They meet the requirements of the DoDIN system characteristics found in Appendix A of the DISN Capstone IA Strategy dated March 9, 2009 which outlines interoperability requirements, IA requirements, and net ready requirements for the network.

f. Several authorized resellers might be competing for each piece of network equipment. This class J&A is intended to cover DoDIN equipment requirements for a 3-year period, commencing the date of signature by the DISA SPE. The approved J&A could be used by any of DISA’s contracting activities. A competitive request for quotes will be issued to maximize competition among authorized resellers for specified equipment. A redacted copy of the approved class J&A will be posted with each requirement. Delivery orders issued under this authority will be firm-fixed price. The anticipated total estimated cost of the proposed acquisitions is, broken down as follows:

Fiscal Year (FY) 16 Requirements	FY 17	FY 18	Total/Ceiling
[Redacted]			

The total estimated budget is based on the FY16-FY18 Technical Refresh plan in addition to equipment for customer-funded projects which includes a 30% index for potential leveraging by non-DISA customers in accordance with the DISA Director’s “go big” strategy. The projections are an assessment of current and future requirements for DoDIN equipment. The estimate also accounts for instances of maintenance and installation services where the contractors are limited to authorized representatives from the OEM so that warranties are not voided.

g. The class J&A for FY16 to FY18 will allow DISA to efficiently manage and maintain the current and approved DoDIN configuration by procuring spares for existing equipment and deploying identical configurations of equipment previously installed.

3. DESCRIPTION OF SUPPLIES/SERVICES: The equipment to be acquired under this class J&A is identified in the UC APL. The equipment consists of the same makes and models currently used in the DoDIN and has been tested and certified for DoDIN interoperability, IA and security, integration, functional and operational requirements, and was implemented as part of various openly competed DoDIN programs. Classes of approved products currently on the UC APL include Transport; Routers/Switches; Security; Enterprise Network Management; Storage; and Hosts and Servers under the Network Infrastructure category. Under the Voice, Video and Data Services category, current classes of approved products include Classified Voice; Classified Video, Data; SBU Voice; SBU Video; and Multi-Function Mobile Devices.

As new equipment items or new categories are added to the UC APL, covered equipment would automatically be included under the authority of this class J&A.

4. SUPPORTING RATIONALE, INCLUDING A DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE ACQUISITION REQUIRES USE OF AN EXCEPTION TO FAIR OPPORTUNITY:

a. Historically, multiple J&As were issued for brand name requirements to support the DoDIN due to the different authorities cited in FAR. For FY 2012 through FY 2015, two primary class J&As were used, one for the National Aeronautics and Space Administration (NASA) Solutions for Enterprise Wide Procurement (SEWP) requirements and another for items purchased through General Services Administration (GSA) Schedules. Stand-alone J&As were used for both open market equipment hardware software purchases and installation and on-going maintenance services from authorized representatives of the OEM. The basis of this J&A is to include all equipment connected to the DoDIN. All equipment must be on the UC APL to preserve integrity of the network. Sustaining and maintaining the DoDIN can be accomplished more efficiently through a single, consolidated class J&A for all actions under this authority based on the fact the rationale is identical. Market research will dictate the acquisition strategy for each action, including the best vehicle to accomplish the customer's requirements.

b. The equipment contained within the UC APL is in essence a Qualified Products Listing (QPL) as outlined in FAR 9.203. DISA maintains a web site (<http://www.disa.mil/network-services/ucco>) which provides OEMs with detailed information regarding the program. The process for adding items to the UC APL is outlined the UC APL Process Guide issued by DISA (current version is 2.3 dated December 2014) which can be accessed via the link. The website provides information outlined in FAR 9.202(a)(2)(i) to prospective offerors.

c. The Head of the Contracting Activity has determined that establishment of the UC APL meets the criteria for a QPL as outlined in FAR 9.202(a)(1). In order to maintain integrity of the DoDIN, all items purchased must be on the UC APL for the specific intended purpose. Items that are not listed on the UC APL cannot be installed therefore purchasing such items would be a waste of Government resources. The approval requirements and specific costs for testing and evaluating items will vary depending on the specific item and its intended application(s). OEMs may request their product(s) be added to the UC APL at any time in order to participate in future acquisitions for similar items.

d. Prior to acceptance of a package using the authority contained within this J&A, the customer must affirm that the equipment/software/services which are limited to specific brand name(s) have been tested and approved for the specific intended use. When a brand name only requirement is identified, it will be noted on the request for quote and competition will be restricted to products which were previously tested and accepted for a specific purpose in connection to the proper operations of the DoDIN. Peripheral items which are not limited to a specific brand name under the UC APL process will be noted accordingly and will be competed on an "or equal" basis with salient characteristics required for approval provided to offerors.

e. DISA requires the use of highly specialized items, because they are currently operating on the DoDIN and are part of the baseline configuration. The equipment and incidental software on the UC APL meets requirements for minimum acceptable performance as determined through functional and performance testing processes.

f. This contracting action is necessary to ensure the continuation of telecommunications services that support the Continental United States and Outside the Continental United States sustaining base information infrastructure and allow its rapid extension to deployed military forces anywhere in the world. This will enable the DoDIN to continue providing the necessary communications services to the warfighter and other customers without any interruption.

g. Procuring equipment/software for the DoDIN UC APL that has not been included on the UC APL would result in significant additional cost, resources, and schedule slippages to the Government. For each purchase of equipment/software outside of the UC APL, the Government would need to perform new certification testing to include equipment integration evaluation, interoperability certification, functional testing, operational testing and evaluation, IA and/or security testing, acceptance testing, and perhaps further development with the new equipment prior to any DoDIN approval. It is estimated for each buy, an additional lead time of 180 days would be required. DoDIN operators at the Network Operations centers would have to be trained to introduce new contractor equipment into the DoDIN. The overall operational impact of introducing new contractor items into the architecture would be significant and affect readiness, operations and maintenance, configuration management and NetOps of the DoDIN. Additionally, permanent lab assets would have to be added/resourced for Tier III Ops support in troubleshooting, and support for future software patch and IA vulnerability alert testing.

h. The addition of non-tested items would require contractor-specific, network management software to be deployed to manage and control the new non-tested asset. This would require additional servers, training, and additional operators at the NetOps centers as well.

i. Finally, if equipment and software incidental to the hardware is inserted into the network without having gone through the functional and performance testing processes, it would introduce unacceptable levels of risk with interoperability, IA capability, configuration management, and other technical performance parameters.

j. After completion of Market Research for each requirement, the Contracting Officer will select the best method for accomplishing the acquisition: limited sources competitions on NASA SEWP, GSA schedules or GWACs; or open market competitions. The specific authority for other than full and open competition on a given acquisition will be a function of the vehicle selected and the type of supplies/services acquired. Specific authorities for specific circumstances are as outlined below:

The primary authority for all actions covered under this J&A and competed as Fair Opportunity against the most appropriate contract vehicle (primarily NASA SEWP) is FAR

16.505(a)(4): Only the brand name products included on the UC APL can be used because those products are essential to the Government's requirements. As explained above, products listed on the UC APL have been pre-determined to meet all of the Government's needs as outlined in FAR 9.203. No other products meet, or can be modified to meet, the Government's requirements until those products are added to the UC APL. As other products are proven, tested, and certified, they will be added to the UC APL and become a part of the integrated DoDIN. Products purchased outside of the UC APL cannot be connected to the DoDIN.

In the event that multiple OEM products are listed and approved on the APL for a specific intended use, but only one product will actually meet the Government's requirements, the Program Manager will include information documenting the reasons for further restricting competition in the Market Research Report. This information will be transmitted along with the redacted J&A in the RFQ for the specific acquisition.

The authority for limiting sources to specific brand name product(s) when purchasing products from GSA Schedules is FAR 8.405-6(b)(1), items peculiar to one manufacturer—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.

The authority for an Open Market action is FAR 6.302-1(c), when the supplies or services required by the agency are available from only one responsible source or a limited number of responsible sources, and no other type of supplies or services will satisfy agency requirements, full and open competition need not be provided.

5. **COST/PRICE FAIR AND REASONABLE DETERMINATION:** The Contracting Officer will make a determination as to whether the anticipated cost to the Government is fair and reasonable based on comparison of the independent Government cost estimates and the request for quote responses. Rates have already been established with the basic NASA SEWP Government-wide acquisition contract (GWAC) holders, as well as the contractors on the General Services Administration (GSA) Schedule contracts. All rates set forth in the contracts and used on individual orders were determined fair and reasonable. Pursuant to DOD policy the Contracting Officer will seek additional discounts prior to placing any order. By placing an order against a GWAC, using the procedures in FAR 16.505, or the GSA schedule, using the procedures in FAR 8.405, DITCO will be able to conclude whether an order represents the best value to the Government. If Market Research determines an open market solicitation is in the best interest of the Government, the Contracting Officer will determine prices fair and reasonable using commercial price lists, and competitive quotes.

6. **MARKET RESEARCH:**

a. This Class J&A is for the equipment and incidental software on the UC APL, not for a single acquisition. Market research will be performed for each requirement and subsequent orders based on the specific item and quantity. There is latitude within NASA SEWP and GSA Connections II for small business set-asides; in which case, the market research

findings will be coordinated through the DISA Office of Small Business Programs if the estimated value exceeds \$10K in accordance with DFARS 219.201(c)(10).

b. An analysis of contract alternatives was developed for the DoDIN equipment requirements. A variety of alternatives were evaluated, including awarding multiple Indefinite Delivery/Indefinite Quantity (IDIQ) contracts, and using a GWAC. Awarding multiple IDIQ contracts would be a significant acquisition effort, and a major expense of time and resources, when existing contracts can provide the scope needed. Once it was determined that GWACs were the best value method, several alternatives were analyzed, as shown in the table below.

GWACs	Accepted (✓)/Rejected (X)	Reason for Rejection
SEWP - Solution for Enterprise Procurement	✓	
GSA Network	X	Equipment out of scope; circuit-based contract
ITES – 2H – Information Technologies Enterprise Solutions	✓	
NIH CIO-CS	✓	
General Services Administration Connections	✓	
ENCORE II	X	Limited applicability; project based with ancillary equipment only
Alliant	X	Equipment out of scope; services-based contract

c. Out of the four acceptable GWACs, SEWP provided the greatest breadth and depth in support contractors, ceilings, and program attributes. Additionally, SEWP has a low fee structure of 0.39%. GSA Schedules and GWACs (Connections II, ITES-2H and NIH CIO-CS) were also considered viable mediums for purchasing equipment. In the event that equipment cannot be purchased using the four vehicles discussed in the analysis, an open market contracting strategy will be explored.

7. ANY OTHER SUPPORTING FACTS: The DoDIN Class J&As have been used extensively in the past to make equipment purchases. The table below breaks down the total dollar value and number of packages for DoDIN equipment purchases by fiscal year.

Year	Total	Number of Packages
[REDACTED]		

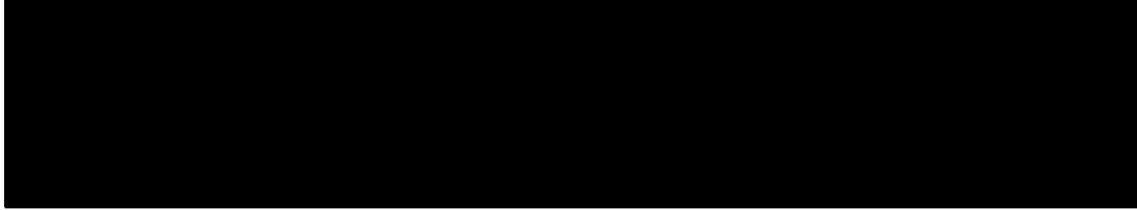
8. ACTIONS THE AGENCY MAY TAKE TO REMOVE OR OVERCOME BARRIERS THAT LED TO THE EXCEPTION TO FAIR OPPORTUNITY:

- a. The requirements will be competed amongst the authorized resellers of the identified products on the NASA SEWP and GSA schedule contracts. The Government will continue to search the market place to see if any future contractors can offer a suitable product suite. In the event that equipment cannot be purchased using the two vehicles discussed in the analysis, an open market contracting strategy will be explored.
- b. The requirements for the DoDIN will be continually monitored, updated, and re-assessed as the Government moves forward to remove barriers to competition when the current equipment and/or software products become obsolete or inadequate, enterprise-wide. Efforts will be made for consideration of other manufacturers at that time.
- c. DISA continues to be aware of other brands of equipment and their compatibilities with equipment currently in use. The Government will continue to evaluate potential usage of other brands as part of DISA's regular technology refresh sustainment lifecycle. As these are proven, tested, and certified, they will be added to the UC APL and become a part of the integrated DoDIN.

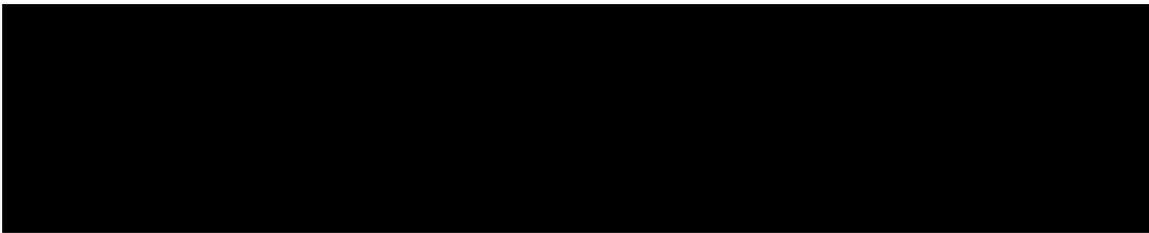
9. REFERENCE TO THE APPROVED ACQUISITION PLAN (AP): If individual requirement(s) procured under this J&A meet the threshold for an AP under DISA Acquisition Regulation Supplement Part 7.1, the necessary documents will be prepared and approved prior to issuance of the solicitation.

Class J&A For DoDIN Equipment

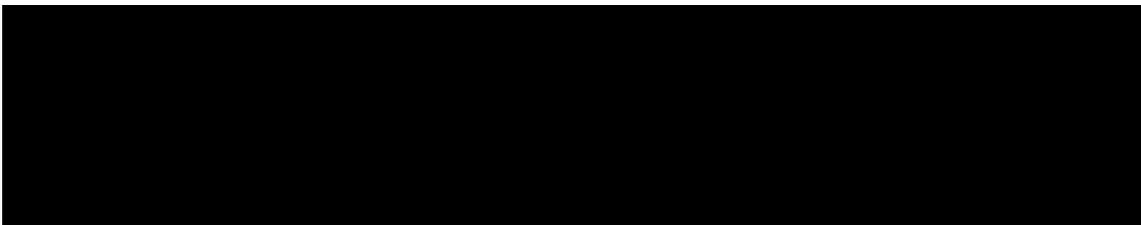
TECHNICAL CERTIFICATION: I certify that the supporting data under my cognizance, which are included in the J&A, are accurate and complete, to the best of my knowledge and belief.



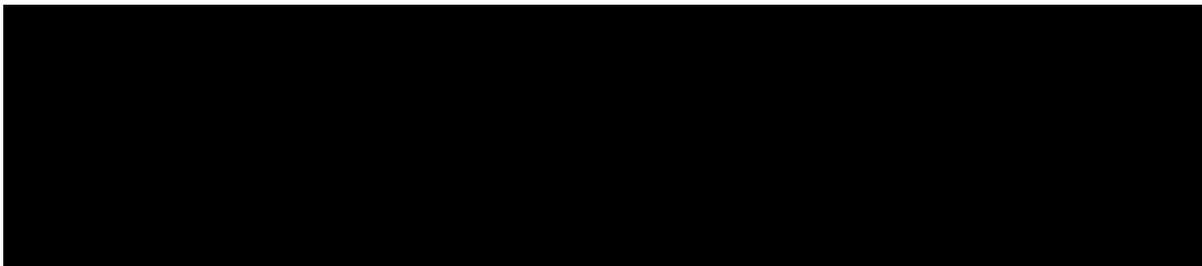
REQUIREMENTS CERTIFICATION: I certify that the supporting data under my cognizance, which are included in the J&A, are accurate and complete, to the best of my knowledge and belief.



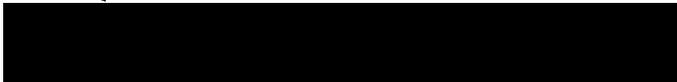
CONTRACTING OFFICER CERTIFICATION: I certify that this justification is accurate and complete, to the best of my knowledge and belief.



SENIOR PROCUREMENT EXECUTIVE APPROVAL: I have reviewed this justification and find it to be accurate and complete, to the best of my knowledge and belief. Since this justification exceeds \$85.5M, this review serves as approval.



ALL QUESTIONS REGARDING THIS JUSTIFICATION ARE TO BE REFERRED TO



The Contract Specialist identified in the RFP/RFQ or
disa.scott.ditco.mbx.it-requirements@mail.mil