

# Brand-Name Justification for an Exception to Fair Opportunity

1. **Agency:** National Aeronautics and Space Administration (NASA)  
Armstrong Flight Research Center  
P. O. Box 273  
Edwards, California 93523-0273

**Contracting activity:** Code A

**Brand-Name Justification for Exception to Fair Opportunity**  
41 U.S.C. 4106 FAR 16.505-(b)(2)

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

This action is for the approval of a Justificaton for an Exception to Fair Opportunity for the purchase of the "Oracle Premier Software Renewal" under the multiple award NASA SEWP contracts.

3. **A description of the supplies or services required to meet the agency's needs (including the estimated value).**

This prorcment is for the renewal of software maintenace service for Oracle Premier Support for Systems Support and Oracle Software update linesnse and Support Service.

Estimated total value for the delivery order is \$190,000.00.

4. **Identification of the exception to fair opportunity and the supporting rationale.**

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. The Oracle Solaris Primier is essential to the Government's requirements and market research indicates other companies' similar products lacking the particular feature, do not meet, or cannot be modified to meet, the agency's needs.

This procurement is for the renewal of software maintenace service for Oracle Premier currently in use at the Armstrong Flight Research Center (AFRC) located on Edwards Air Force Base, California. The Code ME simulation engineers are the primary users who support all the projects requesting simuiation capabilities. Oracle is the developer and only source for the software. Affgent is the only certified vendor that can provide this propretary software.

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

As the contracting officer I have determined that the Government's anticipated cost for each task order will be fair and reasosnable based on the follow:

- a. A technical analysis will be performed for each task order to ensure proposal meets the requirements of the required task.

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- b. Pricing for the task orders will be on a firm-fixed price basis. The fixed price amounts were determined fair and reasonable during the evaluation for contract award under the NASA SWEF program.

### 5. Any other facts supporting the justification.

Rapid change out, is not an option because severe Mission failure may result. Engineering will need to do extensive testing of any potential systems before taking down current Mission management systems. There were no other products that were available, that perform the same function as the Oracle software. In addition, time constraints for the replacement and extreme costs would jeopardize the Mission schedules. The lost work hours alone, to redo the calculations and analysis for ongoing programs makes this alternative very costly, schedule prohibitive, and would cause Mission failure.

### 6. A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the exception to fair opportunity before any subsequent acquisition for the supplies or services is made.

Due to the proprietary nature of the software, removing or overcoming the barriers to competition is extremely difficult. However, NASA AFRC will review potential options for changing the systems if other vendors are located. However, In order to ensure Mission success, any identified systems will need to have extensive reviews before procuring. If systems are identified for future procurements, a thorough review will occur.

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TECHNICAL OFFICER:

I certify that the facts and supporting data which form the basis of this justification are complete and accurate to the best of my knowledge and belief.

  
\_\_\_\_\_  
Ken Norlin

4/27/15  
Date

CONTRACTING OFFICER:

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

  
\_\_\_\_\_  
James G. Williams

4/27/15  
Date

PROCUREMENT OFFICER:  
(APPROVAL)

Based on the facts set forth in this Brand-name Justification for an Exception to Fair Opportunity, I have determined that the circumstances of FAR 16.505(b)(2)(i)(B) apply to the orders issued under the NASA SWEP multiple award contract.

N/A KMS  
\_\_\_\_\_  
James W. Eastman

\_\_\_\_\_  
Date