Justification for an Exception to Fair Opportunity or to Use Brand-Name Restriction

Is this a brand-name justification? ☒ Yes ☐ No

Please provide the product title and description. [FAR16.505(a)(4)(i)]

Brand-Name Product Title: ITR 10627 - NETAPP Filer Replacement JWICS Tier 2

Brand-Name Product Description: NetApp FAS 2820 Storage Appliance

Is this a Bridge Action as defined in the AF Bridge Action Reduction Plan? ☐ Yes ☒ No

Contracting Activity: 17th Contracting Squadron, 210 Scherz Blvd, Goodfellow AFB, Texas 76908

Purchase Request / Local ID Number: F1Z50X6042A001

Program Name (and Program Element, if applicable): ITR 10627 - NETAPP Filer Replacement JWICS Tier 2

Estimated Cost/Price of the Order (including options): $[redacted]

Type Program (see DAFFARS 5302.101 for definitions): ☐ PEO Program ☒ Operational ☐ Enterprise

Type of Determination: ☒ Individual ☐ Class Expires:

Click here for instructions to complete the boxes below.

(1) Contracting Activity:
17th Contracting Squadron, PKB, Goodfellow AFB Texas, Air Education and Training Command (AETC).

(2) Nature and/or description of the action being approved:
17 TRSS has a requirement to acquire a NetApp storage filer replacement on JWICS network **to replace the current NetApp filer, which has reached End of Life (EOL)** and End of Support (EoS).

(3) Description of the supplies/services required to meet the agency's needs:
The 17 TRSS is currently utilizing NetApp brand storage equipment for JWICS Tier 2 (secondary) data storage, and requires this replacement due to End of Life (EoL) and End of Support (EoS) for the current Tier 2 hardware. Our current Tier 2 storage has reached the end of life and end of support for that model. In order to continue maintainability of this critical mission capability, the current EoL/EoS hardware must be replaced with updated models.

(4) Justification for restricting consideration to a brand-name item:
Only one brand name 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. Modifications to the accreditation baseline hardware will require a Cyber Impact Analysis (CIA) and approval from security personnel, resulting in delays to procurement. NetApp is the only approved storage solution on IC networks through the Department of Defense Information Networks Approved Products List (DODIN APL) currently approved on the JWICS network baseline, which we have standardized across all 17TRSS controlled networks. In addition, NetApp is the only data storage solution that includes native, built in, Artificial Intelligence based Machine Learning technologies with focused attention towards data analytics, behavior analytics, and automated threat detection that discover, remediate, and prevent Cyberthreat and Ransomware attacks, a requirement of the 17 TRSS. The NetApp solution meets the National Security Agency's (NSA) rigorous security requirements for protection of NSS data, and is identified on the Department of Defense Information Network Approved Products List (DODIN APL). Furthermore, only NetApp brand storage appliances are compatible with the current NetApp Tier 2 Storage devices currently in use on the JWICS network, utilizing snapmirror technologies to mirror data to secorondary storage for backup and recovery purposes. Lastly, there are no other DoDIN UC/APL products that offer the capability of a Recovery Point Objective of zero (RPO=0) or recovery Time Objective (RTO) of less than 2 minutes that the MetroCluster offers, that allows us to retain use of our current disk shelf spindles.

Justification for an Exception to Fair Opportunity or to Use Brand-Name Restriction

Any other product would not be seamlessly integrated into the current NetApp storage array. Introduction of any other brand storage appliances would require changes to network baseline configurations. Furthermore, the Tier 2 backup repository is NetApp brand, and is utilizing native SnapVault technology to backup the Tier 1 data stores. Any other brand equipment would require Tier 2 replacement, or independent backup software to complete backups, which would also be a change to the network baseline.

(5) Contracting Officer's determination that the anticipated cost to the Government will be fair and reasonable:

The anticipated cost to the Government will be fair and reasonable according to various determination factors, such as Lowest Price Technically Acceptable.

(6) Other facts supporting the justification:

(7) Actions the agency may take to remove or overcome any barriers to decreasing the use of brand-name items before any subsequent acquisition of the supplies or services:

17 TRSS Engineers and researching the industry for alternative products/solutions and consider alternative products that may be able to successfully integrate into the TRSS infrastructure in the future.

(8) Program Manager's certification that supporting data is accurate and complete:

As evidenced by my signature below, I certify that any supporting data contained herein, which is my responsibility, is both accurate and complete.

(9) Contracting Officer's certification that the justification is accurate and complete:

As evidenced by my signature below, I certify that the justification is accurate and complete to the best of my knowledge and belief.

(10) Approving Official's determination that FAR16.505(a)(4)(i) applies to the order:

As evidenced by my signature below, I hereby determine that the use of brand-name restriction applies.

Date 28 May 2026	Daniel L. Majkowski 17 TRSS/TSXP / [redacted]	Signature MAJKOWSKI.DANIEL.L[redacted] Digitally signed by MAJKOWSKI.DANIEL.L.1024684055 Date: 2026.05.28 07:14:59 -05'00'
Date 18 Jun 2026	Mouhamed Sarr, SrA, Contracting Officer 17 CONS/ 654-5164	Signature SARR.MOUHAMED[redacted] Digitally signed by SARR.MOUHAMED.1611513352 Date: 2026.06.18 11:02:57 -05'00'

Justification for an Exception to Fair Opportunity or to Use Brand-Name Restriction

Instructions for Completing the Template IAW FAR 16.505(b)(2)(ii)(B)

(2) State whether the action is a new order or a modification to an existing order. Identify the basic multiple award contract number and the order number for the current action. Also identify the type of the order/line items on the order (e.g., Firm Fixed price, Cost Plus Fixed Fee, etc.).

(3) Specifically describe the supplies/services to be acquired including the price/cost and quantity of each item in the order and the total estimated value of the order. For services, state whether services are performance-based, and if not, provide rationale for not being performance based. State the delivery/performance schedule/period for the items under the order. Explain how the requirement/order fits under the scope of the basic multiple award contracts. (Note: The Contracting Officer must ensure that the order is issued within the period of performance and within the maximum value of the contract).

(4) Include the appropriate exception from FAR 16.505 (b)(2) and the supporting rationale. FAR16.505(b)(1)(i) requires the Contracting Officer to provide each awardee under a multiple award contract, a fair opportunity to be considered for each order exceeding $3,000 unless a statutory exception applies. The specific exception that precludes the fair opportunity process for this acquisition is FAR 16.505(b)(2)(i)(__) [Insert A,B, C, D, or E]. If a brand name product description is being justified, use this section to explain why the particular brand name, product, or feature is essential to the Government's requirements and why other companies' similar products/services do not meet, or cannot be modified to meet, the agency's needs.

FAR 16.505(b)(2)(i)(A): "The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays". When using this exception provide a detailed justification with supporting documentation that explains the exact urgency of the requirement and the mission impact if awarded to any other contractor. The user/customer typically provides this supporting information. Recommend attaching supporting documentation to the back of the document. General statements of urgency are not acceptable.

FAR 16.505(b)(2)(i)(B): "Only one awardee is capable of providing the supplies or services required at the level at the level of quality required because the supplies or services ordered are unique or highly specialized". When using this exception provide a detailed justification, with supporting documentation, as evidence of the "unique or highly specialized" nature of the procurement. The user/customer typically provides this supporting information. Supporting documentation may be attached to the back of the document. General statements are not acceptable.

FAR 16.505(b)(2)(i)(C): "The order must be issued on a sole-source basis in the interest of economy and efficiency as 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". When using this exception provide information on the previously competed order under this contract and detail the economies and efficiencies that will be obtained by going sole source for the follow-on order. The user/customer typically provides this supporting information. General statements are not acceptable.

FAR 16.505(b)(2)(i)(D): "It is necessary to place an order to satisfy a minimum guarantee."

FAR 16.505(b)(2)(i)(E): "For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source."

Discuss the market research that was conducted by the user/technical team/contracting officer among the supplies/services of all awardees that resulted in the conclusion that a fair opportunity exception applied. The narrative in this section should provide a high level of confidence that the requirements of FAR 16.505(b)(1) and DFARS 216.505-70 could not be met. If no market research was conducted, state so and provide the rationale. If any other awardee expressed interest in fulfilling the requirement, but was not considered a potential source, explain why that awardee cannot provide the required supplies/perform the service.

Justification for an Exception to Fair Opportunity or to Use Brand-Name Restriction

If the use of a brand name purchase description is being justified, the market research should include an analysis of any industry proposed alternative products or approaches to meeting the requirements. Additionally, the Government's efforts to identify as many potential sources as practicable offering the required brand name item(s) should be addressed.

(5) This paragraph needs to be tailored based on the types of CLINs in the order and the pricing arrangements on the basic multiple award contract. If the contract did not establish the price for the supply or service, the Contracting Officer must establish prices for each order IAW FAR 15.4. The paragraph needs to describe the steps that will ensure that the prices/estimated cost of the order will be fair and reasonable. For example, even if firm-fixed prices were obtained under adequate price competition in the award of the multiple award contract, the Contracting Officer still needs to consider market conditions and other factors that may have changed since contract award and explain the basis in the determination that prices/costs are fair and reasonable prior to award of the order.

(6) Provide any other facts supporting the use of exceptions to the fair opportunity process.

(7) Include a statement of the actions, if any, to be to be taken 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. If no actions are planned, so state and provide reasons.