Control No.: MICC 2026-31

Justification Review Document
for an Exception to Fair Opportunity – FAR 16

Program/Equipment: U.S. Army Recruiting Command (USAREC) – Fort Knox, Kentucky, requires the renewal of NetApp Hardware and Software support.

Authority: FAR 16.507-7 (DFARS CD 2026-O0045) – Restricting consideration to an item peculiar to one manufacturer (e.g., a particular brand-name, product, or a feature of a product that is peculiar to one manufacturer).

Amount: [redacted]

Prepared by: [redacted]

Contracting Officer: [redacted]

Requirements: [redacted]

Technical: [redacted]

Reviews: I have reviewed this justification and find it adequate to support the justification for an exception to fair opportunity.

[redacted]

[redacted]

Control No.: MICC 2026-31

Justification for an Exception to Fair Opportunity Under FAR Part 16

1. Requiring Activity: U.S. Army Recruiting Command (USAREC), Fort Knox, KY 40121

2. Contracting Activity: U.S. Army Mission and Installation Contracting Command (MICC-Fort Knox), 199 Sixth Avenue, Suite 250, Fort Knox, KY 40121

3. Description of Action: The U.S. Army Recruiting Command (USAREC) requires renewal of NetApp Hardware and Software maintenance. The award will be Firm Fixed Price (FFP). USAREC will provide fiscal year 2026 OMA funds for this effort. The projected award date is expected to be in June 2026.

4. Description of Supplies/Services: USAREC requests a FFP Delivery Order for the renewal and software license maintenance support for NetApp Hardware and Software. This procurement consists of support for the following hardware and software quantities:

Item	Description	Part #	Qty.
1	Advisor Plus For Single Controller Serial #: 952312002322, 952320001426	CS-ADVISOR-PLUS2	2
2	SupportEdge Advisor Serial #: 952312002322, 952320001426	CS-G1-SE-ADVISOR	2
3	Next Business Day Parts Delivery, included Serial #: 952312002322, 952320001426	CS-NBD-DELIVERY-INC	2
4	Non-returnable Drives (HDDs,SSDs) Serial #: 952312002322, 952320001426	CS-NON-RETURNABLE-DRIVES	2
5	SupportEdge Protect for Government Serial #: 952312002322, 952320001426	CS-PROTECT-FORGOVT	2
6	Non Returnable Disk Plus,Renewal,e Serial #: 721833000119, 721833000120	CS-R-NRD2-E	2
7	SupportEdge Secure Next Bus Day Onsite Serial #: 721833000119, 721833000120	CS-SEC-NBD	2
8	Supplemental Support Management Serial #: 721833000119, 721833000120	CS-SUPPORT-MANAGEMENT	2
9	Warranty Extension Serial #: 721833000119, 721833000120	CS-WARRANTYEXTENSION	2
10	Non Returnable Disk Plus,Renewal,e Serial #: 721832000205, 721832000206	CS-R-NRD2-E	2
11	SupportEdge Secure Next Bus Day Onsite Serial #: 721832000205, 721832000206	CS-SEC-NBD	2
12	Supplemental Support Management Serial #: 721832000205, 721832000206	CS-SUPPORT-MANAGEMENT	2
13	Warranty Extension Serial #: 721832000205, 721832000206	CS-WARRANTY-EXTENSION	2
14	Non Returnable Disk Plus,Renewal,e Serial #: 722025000003, 722025000004	CS-R-NRD2-E	2

[redacted]

Item	Description	Part #	Qty.
15	SupportEdge Secure Next Bus Day Onsite Serial #: 722025000003, 722025000004	CS-SEC-NBD	2
16	Supplemental Support Management Serial #: 722025000003, 722025000004	CS-SUPPORT-MANAGEMENT	2
17	Warranty Extension Serial #: 722025000003, 722025000004	CS-WARRANTY-EXTENSION	2
18	SW,SUPPORT,INSIGHT DISCOVER Serial #: 134001644	SW-SSP-INSIGHTDISCOVER	1750
19	SW,SUPPORT,INSIGHT HOST UTILIZATION PACK Serial #: 134001304	SW-SSP-INS-HOSTUTIL-PK	183
20	SW,SUPPORT,INSIGHT PLAN Serial #: 134001644	SW-SSP-INSIGHTPLAN	1750
21	SW,SUPPORT,INSIGHT PERFORM Serial #: 134001644	SW-SSP-INSIGHTPERFORM	1750
22	SW,SUPPORT,INSIGHT PERFORM Serial #: 134001304	SW-SSP-INSIGHTPERFORM	183
23	SW,SUPPORT,INSIGHT PLAN Serial #: 134001304	SW-SSP-INSIGHTPLAN	183
24	SW,SUPPORT,INSIGHT DISCOVER Serial #: 134001304	SW-SSP-INSIGHTDISCOVER	183

Period of Coverage: 1 July 2026 – 30 June 2027

Total Value: [redacted]

5. Authority Cited: FAR 16.507-7 (DFARS CD 2026-O0045) – Restricting consideration to an item peculiar to one manufacturer (e.g., a particular brand-name, product, or a feature of a product that is peculiar to one manufacturer).

6. Reason for Authority Cited:

a. Background. The NetApp Hardware and Software requested will provide an upgrade to the current software to fix/resolve any vulnerabilities on the system. Due to the proprietary nature of the software, only NetApp Inc and its authorized resellers can provide the hardware and software maintenance required. The hardware required must be provided with brand name specifications to ensure that the current shelves, equipment and environment will remain viable and there will be continuity of the manufacturer's warranty. Continued use of NetApp products will prevent data loss and maximize current infrastructure which would not be the case with third party software and hardware. The software used on the NetApp system has an approved Certificate of Net-worthiness (CON).

b. Alternatives. If a different brand of software were procured, the software would have to go through the CON approval process and user/operators would have to be retrained which would delay implementation and cause mission failure. This environment includes existing NetApp systems and management tools in use as well as NetApp dependent systems and applications.

c. Impact if justification is not approved. NetApp is the only provider that can offer access to NetApp patches and software updates to the proprietary products. If equipment other than NetApp is purchased, the current disk shelves and disk shelves being procured would no longer be able to be utilized resulting in over a $1.5 million dollar loss. Approximately One petabyte of data would have to be manually migrated to new systems resulting in production down time and requiring over 2700 man-hours to complete the migration, costing the taxpayer approximately $81 thousand dollars. Due to the Recruiting Network (RSN) network environments, migration outages that would affect application and processing of data would cause the mission to fail.

7. Efforts to Obtain Competition: Per Army Federal Acquisition Regulations Supplement, (AFARS) 5139, all in scope items must be procured through the Computer Hardware Enterprise Software and Solutions (CHESS), now known as Digital Marketplace, contract vehicle unless a statement of non-availability and ITAS waiver exists for the product. The hardware maintenance required falls within the scope of the Digital Marketplace Information Technology Enterprise Solutions – 4 Hardware (ITES-4H) contract. NetApp is the sole manufacturer and source of hardware and software renewals and directs that Government orders be placed directly through its resellers via Digital Marketplace ITES-4H, NASA-SEWP, or GSA.

8. Actions to Increase Competition: The products to be acquired with this acquisition fit within the framework of a larger end-to-end system. Use of other than the brand name equipment requested would increase cost and limit the immediate availability of the RSN as mentioned in the preceding paragraphs. Therefore, no other brands were considered for reasons discussed in paragraph 6 above. Action shall be solicited competitively through the mandatory source of supply, Digital Marketplace. Competition is anticipated since multiple contract holders can support the requirement based on market research.

9. Market Research: Market research was limited to searching mandatory sources for availability of the product. Per AFARS 5139, all in scope items must be procured through the Army's Digital Marketplace contract. The items requested fall within scope of the Digital Marketplace contract vehicle ITES-4H. [redacted]

10. Other Facts: Procurement History.

[redacted]

11. Technical Certification: I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

[redacted]

12. Requirements Certification: I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

[redacted]

13. **Fair and Reasonable Cost Determination:** I hereby determine that the anticipated cost or price to the Government for this contract action will be fair and reasonable. This determination will be made using price analysis. As a part of this basis, certified cost or pricing date will not be required and the following exceptions apply FAR 15.403-1(b)(3); a commercial item is being acquired.

[redacted]

14. **Contracting Officer Certification:** I certify that this justification is accurate and complete to the best of my knowledge and belief.

[redacted]