



DEPARTMENT OF THE NAVY  
PMW 240 SEA WARRIOR PROGRAM OFFICE  
701 S COURTHOUSE RD, SUITE 1400  
ARLINGTON, VA 22204

PMW 240 - J&A No: 17,452  
Code: 2.1E10

## BRAND NAME JUSTIFICATION FOR COMMERCIAL ITEM

### 1. Contracting Activity

Department of the Navy (DON), Space and Naval Warfare Command (SPAWAR) HQ on behalf of PMW 240, the Sea Warrior Program.

### 2. Description of Action Being approved

Per Far 6.302-1(c) a Firm Fixed Price contract is planned, with an expected start date in October 2014, and of which will be issued subject to the Availability of Funds (FAR 52.232-18). The planned period of performance is 12 months from the date of award for the base period, with 4 – 12 month options. The contract will be awarded to only EMC Avamar authorized resellers.

### 3. Description of Supplies and Services

PMW 240 Naval Information Application Product Suite (NIAPS) requires EMC Avamar Maintenance, in the form of updates and technical support or it's technical equivalent, for EMC Avamar GEN3 3.3 TB Storage Nodes, Avamar Gen3 Utility Nodes, and Avamar Gen3 Cube Switches.

### 4. Statutory Authority permitting other than Full and Open Competition.

FAR 6.302-1: Only one responsible source and no other supplies or services will satisfy agency requirements. In particular, FAR 6.302-1(c): Application for Brand Name descriptions. See 10 U.S.C 3304(c)(1) or 41 U.S.C. 3304(a)(1).

### 5. Rationale Justifying Use of the Cited Authority

This requirement is based upon existing infrastructure and software platforms utilized within the NIAPS, of which replacement of hardware and training of personnel would be too costly in terms of budget and operational readiness. As a result, the acquisition of this brand name or equivalent service is essential to the Government's existing hardware/software requirements, to such degree of precluding consideration of another product/service manufactured by another company. EMC/Avamar is the sole

proprietary owner of its commercial hardware and software and as such, has produced and owns its programming code. Accordingly, EMC/Avamar authorized services are the only items that can provide the required maintenance, and as further result, are only available from EMC/Avamar and its authorized resellers.

6. **Description of Efforts Made to Solicit Offers from as Many Offerors as Practical**

At least 3 or more quotes from authorized resellers will be sought in the effort to obtain price competition. As this effort is estimated under the Simplified Acquisition Threshold (SAT), it will be set-aside for small business in accordance with FAR 13.003(b).

7. **Determination of Fair and Reasonable Costs**

Authorized resellers will be competing based upon the Firm Fixed Price of the requirements. It is expected that at least 3 or more interested parties will provide quotes and satisfy the requirements at FAR13.104(b). Award will go to the vendor which meets the requirements at the lowest price.

8. **Market Research**

Market research consisted of first determining the requirements at NIAPS Distance Support, Crane, Indiana. Market Research found that the required services were not available on existing DoD contracts (DON ESA and DoD ESIs) in accordance with DFARS 208.7402, and were only partly available on GSA Schedules, in accordance with FAR Part 8. Consequently this requirement will be competed among potential offerors in the open market in accordance with FAR Part 13.

I certify that the facts and representations under my cognizance, which are included in this Brand Name Justification and which form a basis for this justification are complete and accurate.

**Technical Cognizance (PE or Branch Head):**

Signature: 

 30 Sep 2014  
Printed/Typed Name / Title / Code / Phone / Date

**Requirements Cognizance (Dept. Head):**

Signature: 

 30 Sep 2014  
Printed/Typed Name / Title / Code / Phone / Date

----- REVIEW / APPROVAL -----

Contracting Officer:  Certification/Review Only (Requirement is > \$650K)  
 Approval / Disapproval (Requirement is <= \$650K)

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

Or

This Limited Source Justification is disapproved for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

Signature: 

J. Clint Sade PCO 2.1.5E12  30 Sep 2014  
Printed/Typed Name / Title / Code /Phone / Date