

**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: Hewlett Packard Enterprise (HPE) Support

Brand-Name Product Description: HPE Hardware Support

Is this a Bridge Action as defined in the [AF Bridge Action Reduction Plan](#)? ☐ Yes ☒ No

Contracting Activity: Department of the Air Force, Air Education and Training Command (AETC), 42d Contracting Squadron,  
Maxwell AFB, AL 36112

Purchase Request / Local ID Number: F2XTA12319AQ01

Program Name (and Program Element, if applicable): HPE Hardware Support

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

Type Program (see [AFFARS 5302.101](#) for definitions): ☐ PEO Program ☒ Other Contracting

Type of Determination: ☒ Individual ☐ Class Expires: [ click and select ]

[Click here](#) for instructions to complete the boxes below: (NOTE: Use IE to open the link. Chrome and Edge won't work.)

**(1) Contracting Activity:**

Department of the Air Force, Air Education and Training Command (AETC), 42d Contracting Squadron, Maxwell AFB, AL 36112.

**(2) Nature and/or description of the action being approved:**

This Justification is being issued to allow for the use of a "brand name" description to solicit for the award of HPE Proactive 24x7 Care and Defective Media Retention (DMR) Service which ensures post warranty hardware support for HPE equipment items in the Air Force Legal Operations Agency (AFLOA) data center.

**(3) Description of the supplies/services required to meet the agency's needs:**

Purchase of HP Proactive 24x7 Care and Defective Media Retention (DMR) Service which includes support of hardware systems, parts and materials necessary to maintain the product in good operating condition. The operating systems software and integrated software (e.g. firmware) are in the AFLOA server room located on Maxwell Air Force Base.

Period of performance:

CLIN 0001: 20 Feb 2023 to 19 Feb 2024 (12 months) [REDACTED]  
CLIN 1001: 20 Feb 2024 to 19 Feb 2025 (12 months) [REDACTED]

**(4) Justification for restricting consideration to a brand-name item:**

HPE Post Warranty support is required to maintain AFLOA's existing HPE equipment. No other brand name post warranty support can provide the maintenance, replacement, and on-site support provided by HP Proactive 24x7 Care and Defective Media Retention (DMR) Service. Further, since 2016 AFLOA has invested [REDACTED] in HPE hardware to include servers, blade servers systems, network storage arrays and backup storage systems and this money cannot be recouped. To replace this HPE equipment with another brand name at today's pricing would cost an estimated [REDACTED]. It is therefore most cost effective to the Government to purchase HPE Post Warranty support for this equipment.

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

As this will be a competitive acquisition, the Contracting Officer will be able to determine that the anticipated cost or price to the Government for this contract action will be fair and reasonable. The techniques identified in FAR 15.404-1(b) and FAR 15.404-1(c)(2)(iii) will be used to ensure the award is fair and reasonably priced. The Contracting Officer will use a comparison of

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industry cost, and previous contracts for similar requirements, the Independent Government Cost Estimate to ensure price fair and reasonable.

(6) Other facts supporting the justification:  
N/A

(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:  
When the Current Equipment reaches its "end of life" cycle or if significant technological changes occur, a survey of all products available will be conducted to promote full and open competition.

(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 02 Feb 2023	Contracting Officer Jacqueline M. Bongard 42 CONS/PKB/ 953-3907	Signature BONGARD.JACQUELINE .MICHELLE.1385544045 <small>Digitally signed by BONGARD.JACQUELINE.MICHELLE.138554404 5 Date: 2023.02.02 14:12:34 -06'00'</small>
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