

**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: Cisco

Brand-Name Product Description: Network Switch Requirement (NIPR Switches)

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

Contracting Activity: AFLCMC/PZITA

Purchase Request / Local ID Number: F4FTAK3214AW02

Program Name (and Program Element, if applicable): N/A

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

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

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

[Click here for instructions to complete the boxes below.](#)

**(1) Contracting Activity:**

AFLCMC/PZITA  
1940 Allbrook Drive, Bldg. 1, Rm. 109  
WPAFB, OH 45433-5344

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

The [REDACTED] has a new requirement for the purchase Cisco branded SFP Transceivers to support and keep the NIPR Network supported and operational. The hardware will add to the capability of the network currently in place. These are required to provide point-to-point connectivity to support secure voice and video, teleconference capabilities. [REDACTED] currently uses a variety of Cisco switches and network hardware within the Center's extensive networking environment to transfer intelligence and production data files. The requested Cisco Switches SFPs will be incorporated into a secure network environment that requires exact device specifications to produce specific networking output results.

Cisco hardware is approved and authorized based on stringent security standards mandated by the Defense Intelligence Agency (DIA) and identified on the National Information Assurance Partnership (NIAP) product compliant list. Therefore, this acquisition is for the continued performance of a highly specialized hardware for a highly specialized stand-alone environment.

In accordance with paragraph 2.5 of the Department of the Air Force Manual (DAFMAN) 17-1203, dated 13 September 2022, Client computing devices shall be purchased using the Client Computing Solutions III (CCS-3) program including products under the Quantum Enterprise buy (QEB) cycles as well as Rugged Product Buys (RPB) cycles. Organizations must utilize the CCS-3 purchasing program as the primary means of acquiring client computing systems. In the event that a mission requirement cannot be met by CCS-3 through the QEB, RPB, or the Specialized Product Solutions (SPS) request for quote process, organizations must obtain a waiver from the MAJCOM A6. If approved, then seek the product using the Second-Generation IT (2GIT) buying program using the GSA portal. Products that are not in scope of CSS-3 do not require a waiver before seeking those products through 2GIT. If the Government's requirement cannot be met through the aforementioned required sourced, DAFMAN 17-1203 allows for the use of other vendor-authorized source such as the National Aeronautics and Space Administration's Solution for Enterprise-Wide Procurement (NASA-SEWP) Government Acquisition Contract (GWAC) vehicle.

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The Government has determined the requested items (switches) are not in scope of CCS-3 and DPI purchase sources and cannot be met through GSA 2GIT. Therefore, in accordance with paragraph 2.5.1.12 will be acquired through NASA-SEWP, MAJCOM waiver is not required.

In order to properly determine if the requested hardware was offered via a 2GIT BPA, market research was conducted between 10 May 2023 - 16 May 2023. The Program Office issued requests for information (RFI's) to both 2GIT (RFI# RFQ# [REDACTED]) and NASA-SEWP (RFI# [REDACTED]) quote request platforms. Results of this market research indicate the government's bill of materials (BoM) was able to be fulfilled via a 2GIT BPA. However, after a formal RFQ (RFQ # [REDACTED]) was issued on GSA 2GIT from 10 August 2023 through 16 August 2023. All quotes received contained open market items indicating all items on the Government's BoM can not be fulfilled via a 2GIT BPA.

Therefore, this action will be awarded as a new firm-fixed-price delivery order on a NASA-SEWP GWAC vehicle and will be competed among all NASA-SEWP B,C and D vendors capable of providing the requested Cisco hardware. Based on market research, the estimated total value of this delivery order is [REDACTED]. The estimated delivery date for this delivery order is 30 - 60 days after contract award.

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

[REDACTED] currently utilize a variety of Cisco switches and network hardware in all security levels within the Center's extensive networking environment to store, transfer intelligence, and for the production of data files. The requested Cisco SFP, as part of the [REDACTED] NIPR network, will be incorporated into a classified environment that requires exact specifications to produce specific and timely networking output results, without failures. The requested Cisco Switches will be utilized immediately, to keep the needed storage and utilization that are the Groups mission critical components that provide connectivity to platform equipment. Adding the Cisco requested hardware will ensure the data-center can provide 100% of their functionality/connectivity to the MILCON project and ensure the integrity of their mission. In efforts to avoid unnecessary delay in fulfilling the Government's requirements and experiencing duplication of costs as stated herein, the requested Cisco hardware is the only hardware that will satisfy the Government's requirements at this time.

In order to provide enhanced data processing and storage capabilities, [REDACTED] has a new requirement for Cisco switches and SFP's, and required hardware to support the switches and SFP's. The requested Cisco hardware will be used to stay current with data processing and storage requirements/capabilities related to multiple mission sets across the [REDACTED] agencies. These components are needed to support and add required functionality to the overall NIPR network. The Cisco requested equipment assists in high-performance data processing, dissemination, and storage as well as a base platform of which will be scalable in order to increase storage capacity as needed. The requested hardware will be integrated and deployed in one effort providing immediate modernization and upgrade to [REDACTED] vital intelligence data production processing, storage, and retention capabilities.

The requesting area is responding to rapidly changing technical capabilities and increasing mission requirements for up-to-date information technology (IT) support. The [REDACTED] subcomponent has been tasked with increasing the capabilities for the infrastructure of a classified stand-alone network. The procurement of required Cisco switches will serve to add functional capabilities to the existing components in place, which alone, can no longer meet the technology needs required by multiple mission sets of the [REDACTED] community. The procurement of the requested Cisco hardware will allow for full compatibility of existing mission systems and timely integration within [REDACTED] current data processing and storage infrastructure as well as modernizing current capabilities and warfighter support.

In order to ensure seamless integration and immediate deployment of product and capability, various Cisco branded switches, SFP's of the following are being requested: Cisco Catalyst 9500 48-port x 1/10/25G + 4-port 40/100G, Qty 4 C9500-48Y4C-A; Cisco Catalyst 9300 48 GE SFP Ports (custom specs), QTY 5, C9300-48S-A1000BASE-LX/LH SFP

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Transceiver module, MMF/SMF, 1310nm, DOM , QTY 20, GLC-LH-SMD++= Cisco WSP-Q40GLR4L (QSFP-LR4-Lite) Qty 4, WSP-Q40GLR-4L =

\*Other customized subcomponents for listed on BOM/ Config 1.

The appropriation for this requirement is Fiscal Year 2023, 3080 (Procurement) funds. The requested delivery date for this requirement is within 30-60 days of contract award. The estimated value of this delivery order is [REDACTED]

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

The specific circumstances that justify restriction for this acquisition are in accordance with FAR 16.505(a)(4)(i). The brand name items, whether available on one or more schedule contracts, are items peculiar to one manufacturer, Cisco. Cisco is essential to the Government's requirements and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet [REDACTED] needs. Alternative products have failed extensive testing efforts conducted by the [REDACTED] Group Engineers and IT Professionals.

The [REDACTED] is the Department of Defense's primary source for foreign air and space threat analysis. [REDACTED] mission is to discover and characterize air, space, missile, and cyber threats to enable full-spectrum multi-domain operations, drive weapon system acquisition, and inform national defense policy. On a daily basis, [REDACTED] creates advantage that gives policymakers, warfighters, and the acquisition community award-winning edge. In order to maintain a 24/7/365 mission support, Cisco switches are the only switch capable of integrating and providing the proper mission support.

This requirement supports a major effort to increase production on the NIPR network due to significant manpower and increased resource draw. [REDACTED] has invested approximately [REDACTED] of hardware and supporting software in the requested products. [REDACTED] has been utilizing and supporting these specific technologies for at least [REDACTED] [REDACTED] network operations personnel have been running Cisco hardware and software for [REDACTED].

The requested Cisco compatible hardware will integrate the current NIPR network seamlessly into the existing data-center environment. It is critical that the requested hardware integrate and augment [REDACTED] highly specialized classified network infrastructure, thus must be able to seamlessly inter-operate with the current hardware already authorized and approved for use within the network. Cisco hardware is approved and authorized based on stringent security standards mandated by the Defense Intelligence Agency (DIA) and identified on the National Information Assurance Partnership (NIAP) product compliant list. Therefore, this acquisition is for the continued performance of a highly specialized hardware for a highly specialized stand-alone environment that is the platform of the [REDACTED] Connectivity environment.

Cisco equipment (whether hardware or software) was selected in a best value contract for networks at Wright-Patterson Air Force Base (WPAFB) as a result from a 2004 project that upgraded all network assets through an AF project managed by Hanscom AFB. Using the same Cisco products base-wide has proven to allow the Government to eliminate additional training requirements for multiple platforms and the need for duplicative spare and replacement parts. Continuing to procure Cisco equipment eases management of monitoring systems, as well as new/upgraded operating system patches that are periodically issued to ensure the security of the WPAFB networks.

The requested equipment is essential to supporting connectivity to provide point-to-point connectivity to support secure voice and video, teleconference capabilities for all of [REDACTED] initiative. The Cisco branded SFP transceivers complement WPAFB's homogeneous Information Technology (IT) environment for the [REDACTED] Network. WPAFB is currently utilizing only Cisco network equipment. Continued use of Cisco equipment will significantly reduce total network sustainment costs for WPAFB through the Air Force-wide Cisco Joint Enterprise Level Agreement (JELA) maintenance contract as this contract is centrally funded. Based on the amount of Cisco equipment we have, using

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any other-than-requested (OTR) brand would cost between [REDACTED] in sustainment costs depending on the amount of OTR equipment and number of maintenance requests on that equipment. The DISA Security requirement to have all equipment covered by a maintenance agreement would cost [REDACTED] that we currently do not have to pay, because of the AF level sustainment contract for Cisco Equipment mentioned above.

The acquisition of other-than-requested (OTR) hardware would result in substantial duplication of cost to the Government that is not expected to be recovered through competition as well as unacceptable delays in fulfilling [REDACTED] requirements. Failure to continue with the standardization of the Cisco compatible equipment will have significant long-term impacts to strategic goals of reduction of operational costs by increasing training costs, spare provisioning costs, and increased integration costs for non-standardized hardware. Additionally, due to the stringent demands of the classified environment, only Cisco compatible hardware can meet the specific production requirements, along with the compatible hardware passing through the rigorous testing conducted by [REDACTED] staff to be approved for our networks. Based on market research done Feb/March 2023, the estimated cost of an alternative SFP's be over [REDACTED] in product cost and over [REDACTED] in sustainment costs for this area alone. [REDACTED] would also incur development and testing cost to approve a new transceiver to the current network.

An other-than-requested (OTR) Cisco Compatible SFP, branded by [REDACTED] was initially sought out by the [REDACTED] Engineers and POC in an attempt to replace the Cisco branded SFP. The [REDACTED] was identified the research and coordination with the [REDACTED]. The [REDACTED] was identified as a comparable product to the Cisco branded SFP based on being a compatible item, while decreasing cost. During the research phase conducted by the [REDACTED] Engineer, the [REDACTED] identified a critical security and performance issue related to the off branded SFP. Due to the identification of these issues, the POC determined that [REDACTED] could not proceed with an effort to procure [REDACTED]. Additionally, due to the stringent demands of the classified environment, only Cisco based switches and hardware are capable of meeting the specific production requirements. Based on market research, the estimated cost of an alternative brand such as the [REDACTED] would be [REDACTED] for the required switches. [REDACTED] would also require additional SFPs, and transceivers estimated to cost [REDACTED]. An OTR brand would also require [REDACTED] to train four network engineers, at a cost of [REDACTED] and estimated to create a [REDACTED] delay in operations. Therefore, [REDACTED] estimates an OTR brand to cost [REDACTED]. Alternative solutions also create the potential need for accreditation, which could create an additional delay of [REDACTED]. In total, [REDACTED] estimates an OTR brand such as [REDACTED] would result in a [REDACTED] delay in mission capabilities.

Acquiring an OTR brand would dramatically increase the delivery time, solution effort, and constraints on performance levels, and would negatively affect recovery and protection by increasing internal user malfunctions, creating both manning and infrastructure strains due to a reduction in expertise and network solutions integrity. Therefore, such constraints would not be acceptable in supporting [REDACTED] 24/7 mission in providing timely, accurate and quality data to support the warfighter. Additionally, there is a [REDACTED] specific mission initiative to standardize transceivers due to ongoing security efforts, life cycle cost of product and equipment standardization to reduce cost and maintenance over the life cycle.

The [REDACTED] mission is to provide consistent, reliable IT data storage and connectivity for/within the [REDACTED] enterprise networks. Maintaining, monitoring, and modernizing [REDACTED] cornerstone networks is critical in order to provide the most up-to-date and technologically advanced support to the warfighter and multiple [REDACTED] mission sets.

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

A fair and reasonable price determination will be made by the contracting officer based upon a lowest price technical acceptable competition among the NASA SEWP vendors capable of providing the requested brand. Only NASA SEWP vendors shall be considered for award. It has been determined that this contract vehicle is the best contract vehicle to

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ensure fair competition among brand name resellers as well as satisfying the Government's requirements for fair and reasonable pricing based upon adequate price competition. In the event only one quote is received the Contracting Officer will determine a fair and reasonable price based on FAF 15.404-1(b)(2)(ii).

(6) Other facts supporting the justification:

Market research conducted between 10 May 2023 - 16 May 2023 indicates the requested Cisco hardware is available via 2GIT and NASA SEWP purchase programs. The program office issued a formal request for information (RFI#RFQ [REDACTED] to GSA 2GIT, and (RFI# [REDACTED] National Aeronautics and Space Administration Solutions for Enterprise-Wide Procurement (NASA-SEWP) contracting platforms. Results of this market research indicate the Government's Bill of Materials is able to be fulfilled via GSA 2GIT and NASA-SEWP.

Responding vendors for 2GIT BPA RFI# RFO [REDACTED] and SEWP BPA RFI RFQ# [REDACTED] are outlined below:



Results of the formal RFQ on GSA 2GIT indicate all items on the Government's BoM, are not available on GSA 2GIT. Therefore, based on the above market research, this effort will be advertised to all authorized resellers for the requested bill of materials as well as procured from authorized NASA-SEWP group B, C, and D vendors.

(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:

[REDACTED] will continue to query for commercially available hardware and software products of this kind to determine if the capabilities are able to meet the government's requirements. [REDACTED] SMEs will also review technical publications, expositions, trend guidelines, and Air Force regulations and instructions, as well as confer with other agencies and experts, so that future actions may be solicited under full and open competition procedures. All competing commercial products have been evaluated prior to submission of this requirement and none were deemed feasible for incorporation into [REDACTED] current technical infrastructure. As new trends formulate within production, [REDACTED] will continue to inquire about these devices and research ways to develop, test, and integrate them if possible.

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(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	Program Manager	Signature
		
Date	Contracting Officer	Signature
		



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### 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. FAR 16.505(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.

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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 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.