Justification for Other than Full and Open Competition
FAR PART - 6.3
BRAND NAME JUSTIFICATION

(1) Identification of the agency and the contracting activity, and specific identification of the document as a Justification for Other than Full and Open Competition.

<table>
<thead>
<tr>
<th>Contracting Activity</th>
<th>Customer Agency</th>
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<tr>
<td>U.S. Department of Labor</td>
<td>U.S. Department of Labor</td>
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<td>Office of Procurement Services</td>
<td>OASAM/OCIO</td>
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<td>200 Constitution Avenue</td>
<td>200 Constitution Avenue</td>
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<tr>
<td>Room S4307</td>
<td>Room N1301</td>
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<tr>
<td>Washington, DC 20210</td>
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(2) Nature and/or description of the action being approved.
This Justification and Approval (J&A) authorizes and approves the issuance of an Indefinite Delivery Indefinite Quantity (ID/IQ) contract for brand name Microsoft Surface Pros, Surface Books, and associated peripherals to accommodate the IT hardware requirements for the Department of Labor's National and Regional offices. The purchase of this IT equipment is to support the Department of Labor's (DOL) deployment of DOL Enterprise IT resources to support the mission of the DOL and its Agencies. DOL's stakeholders require devices that are lightweight, portable, and able to fully function as computers in the field. Therefore, the DOL requires 2-in-1 devices, or devices that can function both as a notebook and a tablet.

(3) A description of the supplies or services required to meet the agency's needs (including the estimated value including all options).

The Microsoft Surface Pro ID/IQ will provide a streamlined and cost effective procurement vehicle to obtain IT hardware for the DOL National and Regional offices. DOL Surface Pros and Surface Books are 2-in-1, high-performing computing devices that provide the full functionality of a computer with the portability of a tablet.

The following attributes are needed for DOL's 2-in-1 computing devices to meet the mission-critical needs of DOL and be compatible and secure within DOL's computing environment:

-Devices must be natively compatible with Windows 10, as the entire Department is shifting onto this Operating System to obtain optimal security and performance on devices
-Devices must contain a 7th generation i5 or i7 processor (not a Core-M processor) to meet the performance needs of the DOL and its Agencies in the field
• Devices must contain front and back cameras for bar code scanning, a requirement for DOL Agencies to fulfil their mission needs
• Devices must be ultra-portable to be function as needed in the field. This requires devices to have a detachable keyboard and be lightweight (tablets under 2 pounds).

The period of performance for the resulting contract will be a 12 month base with four 12 month option periods. The IGCE for base period and all option periods is

(4) An identification of the statutory authority permitting other than full and open competition.

The statutory authority permitting acquisition of this requirement by other than full and open competition is FAR 6.302-1(c), Application for brand name descriptions.

(5) A demonstration that the proposed contractor's unique qualifications or, the nature of the acquisition, requires use of the authority cited.

This procurement is a follow-on procurement to several pilots and smaller localized procurements throughout the DOL for these devices. The DOL currently has 500 – 650 of these devices distributed throughout the DOL and its Agencies. These devices have been tested and certified with DOL’s security requirements, and fulfil DOL’s needs. The DOL requires 2-in-1 computing devices that function as powerfully as a computer while having the portability of a tablet. To accomplish the functionality of a computer, the DOL requires a 2-in-1 device that has an i5 or i7 processor, not a core-M processor. To allow for portability, the DOL requires tablets that are very lightweight (less than two pounds for a tablet) and have a detachable keyboard. The Microsoft Surface Pro is the only brand of tablet that can fulfil all of DOL’s requirements and be fully compatible with DOL’s security environment upon purchase.

One tablet, the XSLATE R12, comes close to meeting DOL’s requirements. However, it does not meet DOL’s needs for a lightweight tablet, as the tablet weighs approximately three pounds. The HP EliteBook x360 1030 G2 and Lenovo ThinkPad Yoga 370 20JH come close to meeting DOL’s needs, but neither device has a detachable keyboard for portability or a front and back camera for scanning bar codes. Both of these requirements are necessary to fulfil the mission-critical work of DOL.

Additionally, the DOL requires devices that have a front and back camera for scanning bar codes and have a magnetic power cord to prevent tripping over devices in crowded environments and cause damage while charging. These requirements are needed to fulfil the missions of the DOL’s Agencies.

After testing the various brands within the DOL IT environment, it was determined Microsoft Surface products were the only products that can meet all of the DOL’s requirements. The Microsoft Surface Pro 4 and Surface Book devices have been certified
with DOL’s security requirements, and fulfil DOL’s needs. If a new device is introduced into the environment, an additional patch would have to be developed anytime a patch was required for the environment. This would cost additional time and money, approximately $10,000 per year, or 625 man hours per year. The DOL OCIO does not have the man power to sustain increased patching on additional devices. Therefore, without the man power to sustain these increased patches, the DOL would be exposed to additional security risks and threats. It is not acceptable for the DOL to open itself up to additional security risks and threats, and the DOL has a vital infrastructure that is crucial to the U.S. Labor force and economy. Therefore, the DOL cannot choose another brand, as it would increase the security risk to the DOL environment.

No other 2-in-1 tablet matches the requirements of the Surface Pro 4, and no other 2-in-1 notebook contains a detachable keyboard and front and back camera like the Surface Book. These requirements are needed to fulfill the missions of DOL’s Agencies. DOL has invested well over $1 billion in the Microsoft Surface devices. Due to the need for DOL to support a single brand for different technologies to minimize security risk, if a brand other than Microsoft was obtained the Government would have to re-test and certify a new 2-in-1 computing devices and immediately replace the existing Microsoft Surface Pros. This would cost an in excess of $10 million for the new devices.

Finally, in January of 2020 Microsoft will no longer provide support for Windows 7, which necessitates the migration to Windows 10 and to have all new devices with the new operating system. The DOL is transitioning to Windows 10 to keep its environment secure with the latest and most secure technology and enhance performance of DOL machines. To be compatible and secure within the DOL environment, the DOL requires 2-in-1 devices that run Windows 10 as a resident operating system. DOL also uses Microsoft Office for almost all work products, so the DOL requires a 2-in-1 device that is natively compatible with Microsoft Office products.

In conclusion, no other brand than Microsoft can fulfill DOL’s needs for 2-in-1 computing devices and peripherals. If another brand was selected, not only would the Government’s needs not be met, but it would cost the Government at least $1 billion in duplicative costs.

(6) A description of the efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was, or will be, publicized as required by FAR Subpart 5.2 and, if not, which exception under Subpart 5.202 applies.

IAW with FAR Part 5.102(a)(6) and 6.305(c), the brand name Justification will be posted with the solicitation.
(7) A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.

The contracting officer will conduct a price analysis to ensure that proposed pricing is fair and reasonable and that it provides the best value to the government.

(8) A description of the market research conducted (see FAR Part 10) and the results or, a statement of the reason(s) market research was not conducted.

Market research has indicated that there are no other brand products that will satisfy this requirement for 2-in-1 computing devices. Market research was conducted via GSA Advantage, vendor portals, and the vendor sites of HP, Lenovo, Microsoft, XPlore, Acer and Fujitsu.

(9) Any other pertinent facts supporting the use of other than full and open competition, such as:

   (i) Explanation of why technical data packages, specifications, engineering descriptions, statements of work, or purchase descriptions suitable for full and open competition have not been developed or are not available.

   N/A

   (ii) When 6.302-1 is cited for follow-on acquisitions as described in 6.302-1(a) (2) (ii), provide an estimate of the cost to the Government that would be duplicated and how the estimate was derived.

   N/A

   (iii) When 6.302-2 is cited, provide data, estimated cost, or other rationale as to the extent and nature of the harm to the Government.

   N/A.

(10) Include a listing of the sources, if any, that expressed (in writing) an interest in the acquisition.

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(11) Include a statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services is required.

DOL/OCIO will re-evaluate the infrastructure as the equipment approach the end of life for the existing hardware. During the technology refresh (which is typically 3 years for hardware per industry standards), OCIO will conduct a detailed technical assessment of the IT technology landscape, test other brand of tablets, and current needs at the time and document the best solution that will be suitable for DOL/OCIO needs.
Technical Requirements Certifications:

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.

Signature: [Signature]  
Type Name: Marty Bangers  
Title: Chief Service Management  
Date: 04/13/17

Contracting Officer's Certification

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

Michael D. Jackson  
Contracting Officer  
Date: 04/13/17

Carl V. Campbell  
Advocate for Competition  
Date: 04/13/17

APPROVAL

Based on the foregoing justification, I hereby approve the procurement under an other than full and open competition basis pursuant to the authority of 41 U.S.C. 3304(a)(1) as implemented by FAR 6.202-1(a)(2)(ii) and provided that the services and property herein described have otherwise been authorized for acquisition.

Al Stewart  
Procurement Executive  
Date: 06/19/17