



Department of the Navy (DON)

Ordering Guide

for

NetApp

Enterprise Software Licensing (ESL)
Agreement

with

NASA SEWP

21 November 2024

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Revision 1 November 30, 2023	Added Table of Figures, added Figure 1, added 5.4, Added Call out boxes, Added Revision and table
Revision 2 March 6, 2024	Updated SEWP RFQ process information
Revision 3 August 21, 2024	Updated Figure 1
Revision 4 November 21, 2024	Updated Contracting POCs

1.0 Purpose

This document serves as the Ordering Guide for the Department of the Navy (DON) Enterprise Software Licensing (ESL) Agreement for NetApp. The DON ESL Agreement for NetApp refers to the Solutions for Enterprise-Wide Procurement (SEWP) Strategic Marketplace established by the DON; SEWP is a Government-Wide Acquisition Contract (GWAC) that is managed by the National Aeronautics and Space Administration (NASA). This Ordering Guide will assist DON customers, contracting specialists, and contracting officers with ordering NetApp hardware, software licenses, hardware/software maintenance, and professional services. This Ordering Guide contains essential information regarding the DON ESL Agreement for NetApp, including authorized users, products available for purchase, ordering instructions and processes, and Point of Contact (POC) information.

The DON ESL Agreement for NetApp is a mandatory source of supply for NetApp hardware, software licenses, hardware/software maintenance, and professional services. Information pertaining to the NetApp contract on SEWP (e.g., Terms and Conditions, referenced attachments herein, etc.) is located on the DON ESL SharePoint portal site at: https://flankspeed.sharepoint-mil.us/mcas-gov.us/sites/NAVWAR_DON_ESL/SitePages/NetApp.aspx

The POCs for the DON ESL Agreement for NetApp are listed below:

DON ESL Team			
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NASA SEWP			
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NetApp			
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Figure 1 Table of NetApp POCs

2.0 Policy Documents

The following policy documents are applicable to this agreement, and the documents are located on the DON ESL SharePoint portal site https://flankspeed.sharepoint-mil.us/sites/NAVWAR_DON_ESL/SitePages/NetApp.aspx, under the “Additional Resources” folder of the NetApp homepage:

- Joint Memorandum from the Assistant Secretary of Navy (Research, Development, and Acquisition) (ASN RD&A), Assistant Secretary of Navy, Financial Management & Comptroller (ASN FM&C), and the DON Chief Information Officer (CIO), subject: “Mandatory Use of Department of the Navy Enterprise Licensing Agreements,” dated 22 February 2012.
- Secretary of the Navy Instruction (SECNAVINST) 5230.15, subject: “Information Management/Information Technology Policy for Fielding of Commercial Off the Shelf Software,” dated 10 April 2009.

NOTE: NetApp software maintenance for all NetApp software used by the DON is required by SECNAVINST 5230.15. NetApp is the only acceptable source for software maintenance for its software because it owns the intellectual property rights in the source code for its software. Although other companies besides NetApp sell software maintenance for NetApp software, they do not have the source code of the software and therefore cannot provide software maintenance that meets the DON's cybersecurity requirements.

- Naval Administrative Message (NAVADMIN) 300/18, subject: "Information Technology Procurement Request Fiscal Year 2019 Guidance," dated 12 December 2018.

All DON organizations and program offices are mandated to use DON ESL Agreements, where they exist, in accordance with the 22 February 2012 joint memorandum referenced above. The DON ESL Agreements are used to procure identified products and related services, unless a waiver is granted. Deputy DON CIO (Navy) and Deputy DON CIO (Marine Corps) are delegated authority by DON CIO to grant waivers for their respective Services, and this authority may not be re-delegated. Waivers must be provided to the DON ESL Team prior to procurement outside any DON ESL Agreement. A list of available agreements is available at: https://flankspeed.sharepoint-mil.us/sites/NAVWAR_DON_ESL/SitePages/Home.aspx.

3.0 Overview

On behalf of the DON and those authorized users (see Section 4.0 for details on authorized users), Program Executive Office (PEO) Digital's Enterprise Agreement Services (EAS) Portfolio has established a SEWP Strategic Marketplace for the purchase of all NetApp requirements. This Strategic Marketplace was established on 1 October 2020. The establishment of the Strategic Marketplace includes the negotiation of a 3-Party Agreement Channel End User Terms, Support Services Terms, and Professional Services Terms with respect to NetApp's commercial Terms and Conditions (Ts&Cs) and are hereby attached to this Strategic Marketplace.

- Attachment 3 – NetApp Terms and Conditions
- Attachment 3A – 3-Party Agreement Channel End User Terms
- Attachment 3B – 3-Party Agreement Support Services Terms
- Attachment 3C – 3-Party Agreement Professional Services Terms

Ordering and funding for this agreement are decentralized. Each program is responsible for their own processes to fund the purchases of new licenses, hardware, and annual maintenance for NetApp products. Decentralized funding allows each Budget Submitting Office (BSO) to maintain oversight of the licenses and hardware purchased by their organization as well as the subsequent annual sustainment.

4.0 Authorized DON ESL Agreement Users

The DON ESL Agreement for NetApp is open for ordering by the DON. The following lists the DON ordering entities considered to be authorized users:

- The executive part of the DON at the seat of Government; Headquarters, United States Marine Corps (USMC); the entire operating forces of the United States Navy (USN) and of the USMC, including the Reserve Components of such forces; all field activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Secretary of the Navy; and the U.S. Coast Guard when operating as a part of the Navy pursuant to law.
- Government contractors performing work for the DON may place orders under this SEWP contract on behalf of, and for the benefit of, the DON if authorized by their cognizant Contracting Officer in accordance with the requirements of Federal Acquisition Regulation (FAR) Part 51, *Use of Government Sources by Contractors*, and Defense Federal Acquisition Regulation Supplement (DFARS) Part 251, *Use of Government Sources by Contractors*, as appropriate.

NOTE: ALL orders placed on behalf of the DON must clearly identify the DON organization that will fund and sustain the NetApp products purchased under this contract (including future maintenance for all software licenses and hardware). The ordering instructions must be followed to ensure proper sustainment responsibility.

5.0 Ordering

All DON ordering activities will be required to order their NetApp requirements from the Strategic Marketplace that is established on SEWP. All orders will be required to have an approved Navy Information Technology Procurement Request (ITPR) or Marine Corps Information Technology Procurement Request/Review and Approval System (ITPRAS) routed through the appropriate channels for approval.

5.1 Ordering Process

The following steps (as depicted in Figure 1 below) need to be completed to place an order on SEWP for NetApp requirements:

- **Step 1:** The Customer will identify NetApp brand name requirements and prepare a Brand Name Exception to Fair Opportunity (EFO) Justification demonstrating the rationale for requiring the NetApp Brand Name, in accordance with FAR 16.505(a)(4).

NOTE: This process assumes the DON customer has completed the market research to address requirements.

- **Step 2:** The Customer can find the Attachment 2 – NetApp Product and Price List, posted on the SEWP Strategic Marketplace website at: <https://sewp.nasa.gov/> and coordinate with a NetApp Engineer to determine the required Bill of Materials.

NOTE: See Section 5.2 of this Ordering Guide for guidance on navigating the SEWP website.

NOTE: This step will apply for “new” requirement purchases as well as maintenance renewals.

- **Step 3:** the NetApp Engineer will validate the required SKUs, create a Bill of Materials, and provide the Bill of Materials to the Customer.
- **Step 4:** The Customer will provide the Bill of Materials to the appropriate Ordering Activity.
- **Step 5:** The Ordering Activity will post a solicitation to the Strategic Marketplace on SEWP. See Section 5.2 of this document for further details on SEWP-specific steps).

NOTE: The Ts&Cs (DON ESL Terms and Conditions, 3-Party Agreement Channel End User Terms, Support Services Terms, and Professional Services Terms) apply to every NetApp DON ESL order. These documents are provided as Attachment 3, 3A, 3B, and 3C to this User Guide. Reference the Ts&Cs into your solicitation, which include statutory and regulatory offensive language, carrying full effect over your order in accordance with FAR Clause 52.212-4(s). See the Armed Services Board of Contract Appeals Decision Nos. 59519, 59913 at:

<http://www.asbca.mil/decisions/2018/Decision%20ASBCA%20Nos.%2059519.%2059913.%20CiyaSoft%20Corp.%206-26-18.pdf>

NOTE: Please ensure to reference NetApp DON ESL in the order.

- **Step 6:** Authorized SEWP resellers will submit quotes to the Ordering Activity.
- **Step 7:** The Ordering Activity will review all quotes received, determine the best value, and notify the Awardee.
- **Step 8:** The Awardee will facilitate delivery of the NetApp Bill of Materials to the Customer.
- **Step 9:** The Customer will receive the NetApp item(s) from the reseller to whom the contract was awarded.

As denoted in the solicitation that was posted for this effort (see Attachment 6 of this Ordering Guide), NetApp Catalog authorized resellers will submit a Quarterly Sales Report to the NetApp DON ESL Strategic Marketplace Contracting Officer itemizing the items they sold to any DON organization for the preceding three months.

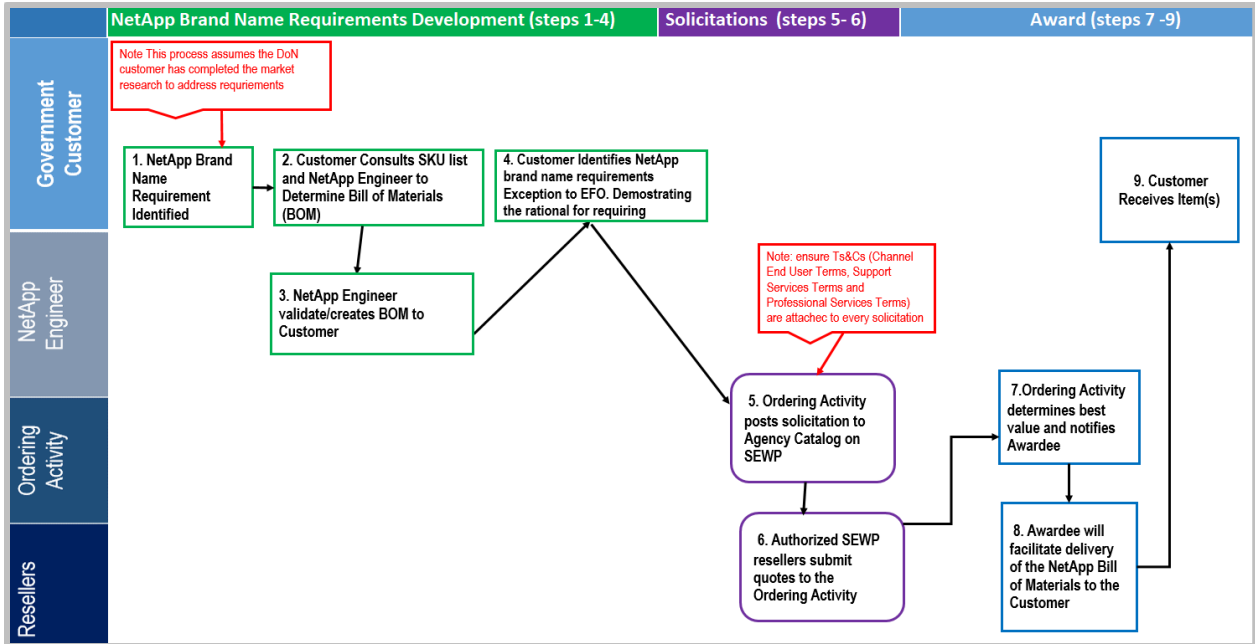


Figure 2 Customer Engagement Process

5.2 Guidance for Navigating the SEWP Website

The NASA SEWP website can be accessed at: <https://sewp.nasa.gov/>.

- 1) All users must already have, or create, a SEWP user account. Users can log in or request account creation via the “Log-in” link at the top of the SEWP home page.

Figure 3 NASA SEWP Home Page

- 2) Log in or request an account.

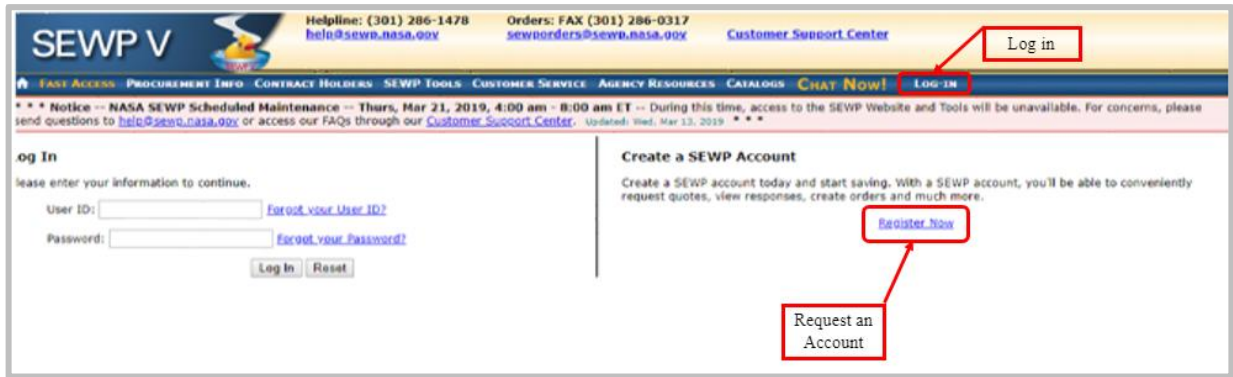


Figure 4 Request an Account or Login

- 3) Once logged in, select “Catalogs/Marketplaces” and then select “Strategic (Catalog) Marketplace Tool” from the “Strategic (Catalog) Marketplace” sub-list.



Figure 5 Strategic (Catalog) Marketplace

- 4) There will be a list of all Strategic Marketplaces accessible to your organization, including the NetApp DON ESL. Click on the link to the NetApp Strategic Marketplace listed under the “Navy Catalog.”

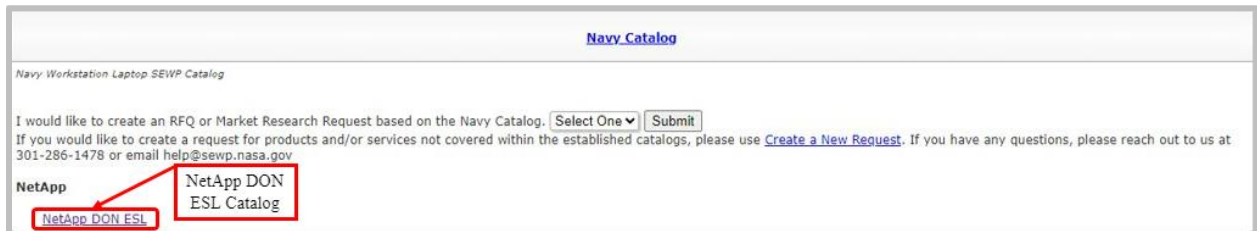


Figure 6 NetApp DON ESL Catalog

- 5) On the resulting page, click “I would like to create an RFQ or Market Research based on the Navy Catalog.”

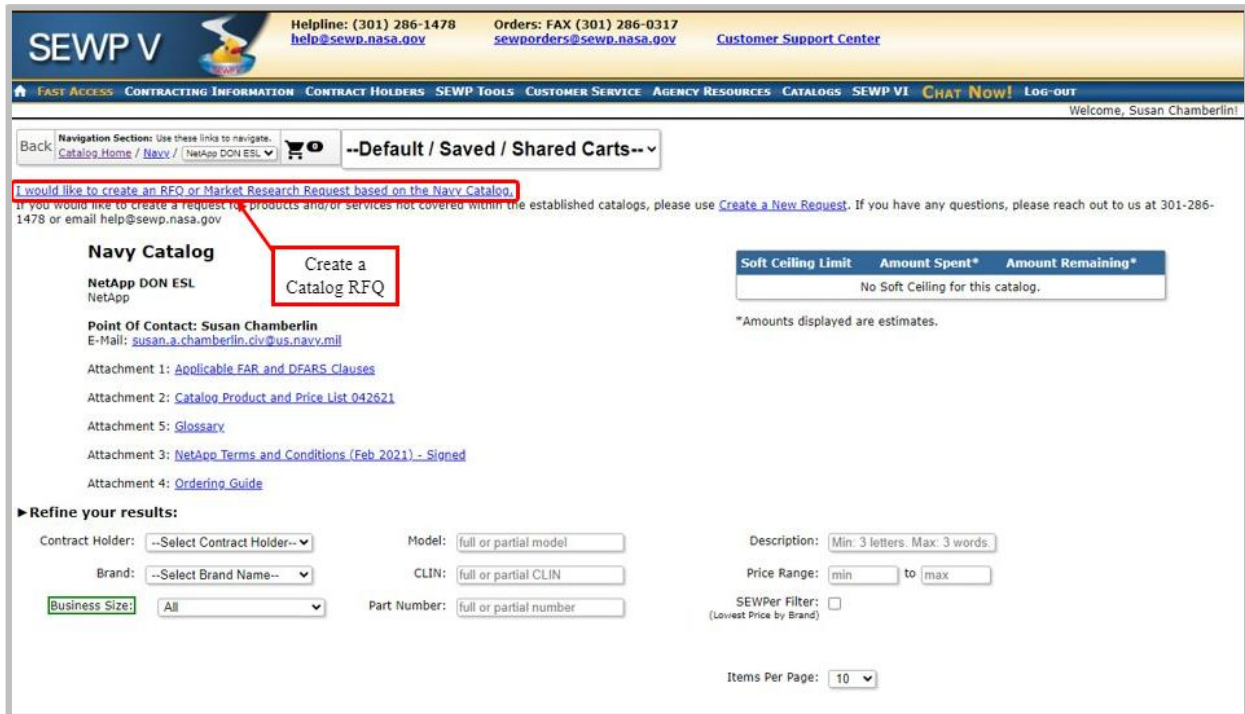


Figure 7 Create an RFQ Based on the Navy Catalog

- 6) The remaining steps are the same as the normal NASA SEWP Request for Quotation process, which is located at https://sewp.nasa.gov/documents/SEWP_Ordering_Guide.pdf.

5.3 Use of Government Sources by Contractors

Contractors are authorized to purchase off this SEWP contract when permitted in writing by the Contracting Officer for that contractor’s contract or solicitation. For a contractor to order from the SEWP catalog, the cognizant Contracting Officer is required to comply with FAR part 51 and DFARS 251. A Letter of Authorization (LOA) must be completed, signed by the Contracting Officer, and provided to the contractor. Please note that the Contracting Officer granting authorization is the one responsible for the support contract under which the Contractor is performing and is NOT necessarily the Contracting Officer who would normally handle NetApp buys for the BSO.

The LOA shall designate the owning organization name and customer ID number that will be responsible for future maintenance payments. The contractor will provide this LOA to the Ordering Activity as proof that authorization has been granted. A sample of the LOA format to be used is located at DFARS PGI 251.102, and can be accessed at the following link: https://www.acquisition.gov/dfarspgi/pgi-part-251-use-government-sources-contractors#DFARS_PGI_251.102

5.4 Search Mitigation process for Specific Items that cannot be found

Use the Catalog RFQ tool to notify the Contract Holders of your requirements. You can access this by clicking on “**I would like to create an RFQ or Market Research Request based on the Navy Catalog**” located at the top of the catalog page. Upon notification the Contract Holders can begin the process of having items added. Provide the most recent Product and Price List (PPL) to the participating Contract Holders and let them know what products you want added and/or remind them if there is a requirement to have everything added from the PPL.

NOTE: Contract Holders cannot see your Catalog page which means they cannot access any document.

6.0 Funding

The funding of orders under the DON ESL Agreement for NetApp will be the responsibility of each activity based on the current funding processes of each organization. Customers should use their current financial systems and processes to budget and fund orders in coordination with their organization/program office POCs. These organizations will be responsible for:

- Ensuring the proper funding appropriation is assigned to each order.
- Ensuring budget and funding are available for new product requirements and annual maintenance in future years.

7.0 Acronyms

Acronym	Definition
ASN (FM&C)	Assistant Secretary of Navy, Financial Management & Comptroller
ASN (RD&A)	Assistant Secretary of Navy (Research, Development, and Acquisition)
BOM	Bill of Materials
BSO	Budget Submitting Office
CIO	Chief Information Officer
DFARS	Defense Federal Acquisition Regulation Supplement
DON	Department of the Navy
EAS	Enterprise Agreement Services
EFO	Exception to Fair Opportunity
ESL	Enterprise Software Licensing
FAR	Federal Acquisition Regulation
GWAC	Government-Wide Acquisition Contract
ITPR	Information Technology Procurement Request
ITPRAS	Information Technology Procurement Request/Review and Approval System
LOA	Letter of Authorization
NASA	National Aeronautics and Space Administration
NAVADMIN	Naval Administrative Message
PEO	Program Executive Office
POC	Point of Contact

PPL	Product and Price List
RFQ	Request for Quote
SECNAVINST	Secretary of the Navy Instruction
SEWP	Solutions for Enterprise-Wide Procurement
SKU	Stock Keeping Unit
Ts&Cs	Terms and Conditions
USMC	United States Marine Corps
USN	United States Navy

8.0 Attachments

All attachments are posted to the “Ordering Guide” tab of the NetApp home page of the DON ESL SharePoint portal at: https://flankspeed.sharepoint-mil.us.mcas-gov.us/sites/NAVWAR_DON_ESL/SitePages/NetApp.aspx

Attachment 1 – Applicable FAR & DFARS Clauses

Attachment 2 – NetApp DON ESL Product & Price List

Attachment 3 – NetApp Terms and Conditions

- **Attachment 3A** – 3-Party Agreement Channel End User Terms
- **Attachment 3B** – 3-Party Agreement Support Services Terms
- **Attachment 3C** – 3-Party Agreement Professional Services Terms

Attachment 4 – NetApp DON ESL Ordering Guide

Attachment 5 – Glossary

Attachment 6 – Report of Sales Format

Attachment 7 – Fees and Payments