

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. **Contracting Activity:** Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
23 Christopher Way
Eatontown, New Jersey 07724

2. **Description of Action:** The proposed action is for a firm-fixed-price (FFP) delivery order (DO) under the National Aeronautics Space Administration (NASA) Solutions for Enterprise Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC), for the renewal of maintenance support of brand name Dell ChangeAuditor software to support the Active Directory (AD) of VA Domain Controllers. The period of performance shall be from May 1, 2014 to April 30, 2015.

3. **Description of Supplies or Services:** VA Office of Information & Technology (OIT), Field Operations and Development has a requirement to procure maintenance support for 400,000 existing Dell perpetual ChangeAuditor software licenses. The software licenses are installed on Hewlett Packard (HP) Proliant DL380 G5 and Proliant ML 350 G5 servers within the VA enterprise. Dell ChangeAuditor for AD is an auditing tool that tracks, reports and alerts on configuration changes to Microsoft AD in real time. This information is used to comply with auditing requirements which would not be available otherwise. The information is often provided to the Inspector General (IG) to aid in investigations. Without this continued maintenance and support of Dell ChangeAuditor software, VA will not meet OIT auditing requirements or positioned to provide critical information to the IG. Maintenance support includes software upgrades, troubleshooting, break-fix repair, and technical support. The maintenance ensures the software remains operational throughout its use. [REDACTED]

4. **Statutory Authority:** The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(B), entitled, "Exceptions to the fair opportunity process" and "only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized."

5. **Rationale Supporting Use of Authority Cited Above:** Based on extensive market research, as described in paragraph eight of this document, the Government has determined that limited competition is available for this proposed action. The proposed sources for continued Dell ChangeAuditor software maintenance are Dell and its authorized resellers. Therefore, VA has determined that either Dell or its authorized resellers are the only sources that can provide the maintenance support. The Government does not possess the proprietary technical data for Dell

ChangeAuditor for the AD. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. No other source is capable of providing the required maintenance support, as only Dell or their authorized resellers possess the expertise and proprietary data necessary to understand the functionality of ChangeAuditor for the AD software. This technical data allows a source access to the fundamental elements of the software that is essential for technical support, software version control and updates. VA already owns 400,000 Dell ChangeAuditor for AD software licenses, and it is critical to VA OIT Field Operations and Development that the aforementioned software licenses are maintained and current. Failure to acquire maintenance support would prevent the required monitoring, auditing and reporting on events in the AD.

6. **Efforts to Obtain Competition:** Market research was conducted, details of which are in the market research section of this document. This effort did not yield any alternative sources for software maintenance support, other than Dell or their authorized resellers that could meet the Government's requirements without requiring substantial increases in cost to replace both existing hardware and software within VA. Although the Government is limiting competition as a result of specifying a brand name, there are multiple authorized resellers in addition to Dell of the required brand name ChangeAuditor maintenance support on the NASA SEWP IV GWAC. Furthermore, in accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized at award on the Federal Business Opportunity Page (FBO) and the justification will be made publicly available.
7. **Actions to Increase Competition:** The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed.
8. **Market Research:** 