

## 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, NJ 07724
  
2. Description of the Action: The proposed action is for a firm fixed-price Delivery Order issued under the Commodities Enterprise Contract (CEC) which includes the procurement of one (1) Low Performance Storage Area Network (SAN) Storage unit, one (1) Class A Rack Server, as well as brand name CommVault Simpana Suite software, which is to be procured as incidental software for the Ralph H. Johnson VA Medical Center (VAMC) in Charleston, South Carolina. The period of performance for the CommVault Simpana Suite software will consist of a 30 day delivery schedule, followed by one (1) three (3)-Year Premium Warranty support, and two (2) options for one (1)-Year Extended Premium Warranties.
  
3. Description of Supplies or Services: The proposed action is for the acquisition of one (1) Low Performance Storage Area Network (SAN) Storage unit, one (1) Class A Rack Server, as well as brand name CommVault Simpana Suite software, all of which is to be provided with one (1) three (3)-Year Premium Warranty, and two (2) options for one (1)-Year Extended Premium Warranties. This requirement is in support of the Omnicell Project, which is a direct patient care application utilized in the Charleston VA Health Care System, Region 3. The required software will be utilized within the Region 3 facilities which currently utilize the CommVault Simpana One Pass backup software to provide standardized backup, file replication, and data recovery solutions that meet facility disk tiering and data protection requirements. Since this action includes the procurement of one (1) Low Performance SAN Storage, Region 3 is expanding its overall storage capacity; therefore, requiring a corresponding expansion to the existing CommVault Simpana Suite software licenses, which are provided on a usage basis. The total estimated value of CommVault Simpana Suite software license with warranties is [REDACTED]
  
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(B) entitled, "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: This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. This procurement action is for the procurement of one (1) CommVault Simpana Suite software license to support the Omnicell Project which is a direct patient care application utilized in the Charleston VAMC in Region 3. VA Region 3 currently utilizes CommVault Simpana Suite software, specifically the CommVault Simpana One Pass backup software, with a lifecycle centralized file system to manage the Region's two (2) Petabyte centralized file storage devices. CommVault Simpana One Pass backup software is utilized across all of Region 3's forty-one (41) facilities as well as at the Region 3 Warner Robbins Defense Enterprise Computing Center (DECC) to build a standardized file archiving and backup solution. VA has established a centralized file backup system wherein all Region 3 CommVault licenses are consolidated into the three (3) Region 3 CommVault Commcells located at the Cleveland Data Center, Durham Data Center, and the Warner Robins Air Force Base Defense Information Systems Agency/DECC Data Center. VA requires ongoing backup jobs to be monitored from one console and currently utilizes a one console, one solution to manage the Region 3 data center and facility assets which has provided significant improvement in Region 3 core system service line operations and support. CommVault Simpana Suite is the only software that provides a one console, one solution to manage backup jobs including disk to disk or tapes and also provides visibility to all physical locations. Additionally, in accordance with Region 3 Core System Standards, backup software is required to have Agentless backup capability and archived data must be searchable without full file retrieval from the data center. CommVault Simpana Suite is the only software that has these capabilities. Furthermore, no other product can transmit file level and block level data into a single encrypted transmission to backup files in remote locations, which is required by VA standards. In addition, in accordance with VA Security requirements, backup software is required to have Federal Information Processing Standards (FIPS) 140-2 certification. Commvault Simpana Suite is the only software that has this required certification.

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 sources that can meet the Government's technical requirements for CommVault Simpana Suite software. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D)(2)(i), this action will be synopsisized at time of award on the Federal Business Opportunities Page and the justification will be made publicly available. Additionally, this Justification for an Exception to Fair Opportunity will be posted with the solicitation in accordance with FAR Subpart 16.505(a)(4)(iii)(A)(1).

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 fully competed.

8. Market Research: The market research is an ongoing process that started in 2010 and is continuously being conducted, with research conducted as recently as February 2014. The Government's Office of Information and Technology (OI&T) Region 3's Storage Team performed market research by conducting internet searches, vendor conference calls and demos and reviewing the technical data for backup software. The Region 3 Storage team looked at the backup software products from multiple vendors to include but not limited to Simpana, Asigra, Netbackup, and Symantec Backup Exec. The backup software offered by Asigra and Symantec Backup Exec did not provide the capability to manage backups through one console, one solution. Netbackup and Asigra did not provide Agentless backup capability or searchable archive capability. In addition, only CommVault Simpana Suite software had the required FIPS 140-2 certification. Based upon this review, there were no alternative products identified that can meet all of the Government's technical requirements identified in Paragraph 5.

9. Other Facts: None

10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

Onur Polatcan

Date: 04/14/2014

Title: Senior Technical Analyst

Signature: a.gov

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Date: 2014.04.14 11:05:12 -0400

11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on price competition amongst the CEC contract holders. In addition, the successful quotation will be compared to the Independent Government Cost Estimate.

Robert P. Kirzow

Date: 4/14/2014

Procuring Contracting Officer

Signature: Robert Kirzow

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$650,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

Robert P. Kirzow

Date: 4/14/2014

Procuring Contracting Officer

Signature: Robert Kirzow