

## JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
1701 Directors Blvd. Suite 600  
Austin, TX 78744
  
2. Description of Action: The proposed action is for a 12-month firm-fixed-price task order to provide maintenance subscription services for eight VA-owned LiteSpeed for SQL Server Standard software licenses manufactured by Dell software (formerly Quest). VA intends to issue the solicitation under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise Wide Procurement (SEWP) Governmentwide Acquisition Contract (GWAC) IV. This procurement uses Information Technology (IT) funds.
  
3. Description of Supplies or Services: The Department of Veterans Affairs (VA), Personal Identity Verification (PIV) program has a brand name requirement to purchase maintenance subscription services for eight VA-owned LiteSpeed for SQL Server Standard software licenses. The software maintenance subscription services provide 24x7x365 web/remote/phone support and response time; incident-based third party software assistance troubleshooting, updates, fixes and patches, and upgrades to the LiteSpeed for SQL Server Standard software. The LiteSpeed for SQL Server Standard software provides critical backups and recovery of VA PIV information, stored on VA SQL database systems. VA PIV program secures, maintains, and provides operational services for PIV data. The total estimated price for the proposed action is [REDACTED] for a 12-month base period and two 12-month option periods.
  
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 Above: This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The proposed sources for continued LiteSpeed for SQL Server Standard annual maintenance subscription services are Dell and Dell authorized resellers, because these companies possess the proprietary technical data or authorized software necessary to deliver the required services. The Government does not possess the proprietary technical data for Dell's LiteSpeed for SQL Server Standard annual maintenance subscription services. Without this proprietary technical data or software, no source has the ability to provide LiteSpeed for SQL Server Standard maintenance subscription services. The proprietary technical data allows access to the fundamental elements of the software that is essential for software updates, patches, bug fixes, security, and version control. The VA PIV System needs to continue using Dell

## Dell LiteSpeed for SQL Server Standard Annual Maintenance Subscription Services

LiteSpeed for SQL Server Standard maintenance subscription services because it ensures critical data created by the VA PIV System databases can be stored, available, secured, and recoverable in case of catastrophic server failure. Failure to acquire LiteSpeed for SQL Server Standard maintenance subscription services increases the risk of data loss, including loss of statistics, reports, and other administrative information, causing an inability to safeguard VA PIV data and ultimately putting the entire PIV system at risk.

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 additional sources that can meet the Government's requirements. The solicitation covering this procurement will not be synopsisized in the Federal Business Opportunities Page pursuant to FAR 5.202 (d)(6).

7. Actions to Increase Competition: The Government will continue to conduct market research to learn if there are changes in the market place that would enable future actions to be competed.

8. Market Research: VA subject matter experts (SME) conducted market research in May 2014, by analyzing and comparing technical specifications between the VA-owned Dell LiteSpeed for SQL Server Standard software and commercial off the shelf software from manufacturers other than Dell. The SMEs compared software maintenance subscription services from IBM, Hewlett Packard, EMC, Fujitsu, and SUN Microsystem. The SMEs' technical analysis found that each manufacturer provides maintenance subscription services only for their particular product. Based on the market research, only Dell and Dell authorized resellers can provide the required software maintenance subscription services.

9. Other Facts: None.