

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 firm-fixed-price task order to provide maintenance subscription services for one LogRhythm software license. VA intends to issue the solicitation under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise Wide Procurement (SEWP) IV Governmentwide Acquisition Contract (GWAC). This procurement uses Information Technology funds.
3. Description of Supplies or Services: The VA Personal Identity Verification (PIV) program has a brand name requirement to purchase maintenance subscription services for one VA-owned LogRhythm software license. The software maintenance subscription support services provide 24x7 web/remote/technical phone support, incident-based third party software assistance troubleshooting, updates, fixes, patches, and upgrades to the LogRhythm software. This will ensure the software currently installed remains operational and functional. LogRhythm software collects and analyzes log files from the VA PIV database and provides successful log management and availability monitoring by detecting and recovering log files within the PIV database. In addition, LogRhythm software provides capacity planning and service utilization within the PIV database environment as mandated in the PIV Information Systems Security Program, Disaster Recovery Plan, and Operations and Maintenance Guide. The total estimated price for the proposed action is [REDACTED] for a 12-month base period, and one 6-month option period.
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 LogRhythm annual maintenance subscription services are LogRhythm and LogRhythm authorized resellers, because only 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 nor has access to LogRhythm proprietary software replacement for LogRhythm annual maintenance subscription services. Without this proprietary technical data or software, no source has the ability to provide LogRhythm maintenance subscription services. The

LogRhythm Annual Maintenance Subscription Services

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 LogRhythm maintenance subscription services to monitor the availability and reliability of the PIV System and subsystems to maintain high availability. Failure to acquire LogRhythm maintenance subscription services may cause the loss of services, data/statistics, reports, and other administrative information, causing the inability to safeguard the VA PIV System; ultimately putting the entire PIV Program 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. It was determined however that limited competition is viable among authorized resellers for this brand name item. In accordance with FAR 5.301 and 16.505(b)(2), this action will not be synopsisized at award on the Federal Business Opportunities page because the total price is less than the Simplified Acquisition Threshold, but this Justification will be posted on the NASA SEWP GWAC website with the solicitation, to notify all interested parties.

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: The subject matter experts (SMEs) conducted market research in May 2014, by analyzing and comparing technical specifications between the VA-owned LogRhythm software and commercial off the shelf software from manufacturers other than LogRhythm. The SMEs compared software maintenance subscriptions from Symantec, Computer Associates, International Business Machine, ArcSight, Splunk, GridControl, SolarWinds, LogLogic and NetIQ. The SMEs' technical analysis found that each manufacturer provides maintenance subscription services only for its particular product. Any other brand name software is unable to maintain support for the currently used LogRhythm software and no other brand name software will be interoperable or compatible with the existing LogRhythm software. Specifically, the current software communicates through a source code based on LogRhythm proprietary data. No other software can provide this communication capability without this source code. A move to an alternative brand name would require new software rather than the renewal of the current software maintenance and support services. Switching to a new software solution would result in substantial duplication of cost that cannot be recovered through competition. Based on the market research, only LogRhythm and LogRhythm authorized resellers can provide the required software maintenance subscription.

9. Other Facts: None