

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 Action: The proposed action is for a firm-fixed price (FFP) delivery order issued against the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC) for the software maintenance renewal of 450,000 currently fielded brand name Symantec Endpoint Encryption software licenses and options for the purchase of additional software licenses and maintenance. The period of performance for this action will consist of a 12-month base period and two 12-month option periods.
3. Description of the Supplies or Services: The proposed action is to provide Symantec Endpoint Encryption software maintenance on 450,000 existing Symantec Endpoint Encryption licenses that deliver mandated Federal Information Processing Standard 140-2 encryption protection to VA laptops and desktop computers. To accommodate potential growth over the period of performance, VA anticipates that there will be a need to acquire additional Symantec Endpoint Encryption Software licenses. The maximum amount of software licenses that can be acquired throughout the base and all option periods is a maximum of 135,000 new licenses via optional tasks. Optional tasks for software maintenance are also required to accommodate the 135,000 additional licenses that can potentially be acquired during the life of the order. The base year period of performance is required to be in effect by March 16, 2015 due to the existing Symantec Endpoint Encryption software maintenance contract's expiration date of March 15, 2015. The total period of performance shall not exceed three years. The total estimated value of the proposed action, including options is \$4,107,551.18.
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is 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: Based on extensive market research, as described in paragraph 8 of this document, it was determined that limited competition is viable among resellers for this brand name item and service. VA has successfully deployed Symantec Endpoint Encryption



Client Licenses since 2006 and it is now fully integrated across all echelons of the VA enterprise. Based on recent testing conducted by the VA Office of Information and Technology, Service Delivery and Engineering, Enterprise Infrastructure Engineering's Client Security Assurance group, Symantec Endpoint Encryption Client License software maintenance is the only software maintenance that will cover VA's 450,000 licensed copies of the Symantec Endpoint Encryption product. The impact of not renewing the software maintenance will be a loss of any updates or support for the 450,000 licenses that VA currently owns. VA will no longer get updates, which would mean that devices that require a patch by Symantec would no longer be available. Patching can range anywhere from supporting new technology and hardware which is released to correcting bugs in the software. These problems could prevent encryption due to not supporting the new hardware and interfere with user login capabilities. In addition, VA would no longer get support if any of these issues arise and will be required to solve any issues without vendor Tier 3 and 4 support. Symantec Endpoint Encryption Client Software is proprietary in nature and no other source has the ability to provide the aforementioned software maintenance support. As licenses are deployed on laptops and desktops, the clients use code that was developed and is owned by Symantec. No other vendors other than an authorized reseller can use that same code which allows VA to transition to a new vendor without a complete de-install and reinstall of the client on user devices, plus a brand new infrastructure to support the new product. The software code is owned by Symantec and is only available through them or an authorized reseller. The Contract Specialist contacted Symantec in November 2014 requesting if the Government could procure the code to possibly enable future actions to be competed. A representative from Symantec indicated that the code is proprietary and not for sale. Using alternative products would compromise the integrity of the encryption capabilities of desktops and laptops and would expose VA to unnecessary cyber threats. In addition, the inability to maintain the software would lead to unacceptable vulnerabilities on VA networks, which could have devastating effects on VA due to the possibility of Personally Identifiable Information, Protected Health Information, or other sensitive data being compromised from having unencrypted laptops or desktops.

Additionally, Symantec's brand name software is the only software that can continue to build upon the VA's existing Symantec based Full Disk Encryption infrastructure. Any other brand name software is unable to integrate with the currently fielded software. No other source will be interoperable and compatible with the currently fielded software due to the proprietary code this software runs. Using any other brand name software will result in communication failure with the existing Symantec infrastructure. Furthermore, to purchase a different brand name license would require spending millions in duplicated costs to design and establish the backend servers for the new product along with a large timeframe for configuration, testing, etc. for the new product.



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, limited competition is anticipated among resellers for the required brand name software maintenance on the NASA SEWP IV GWAC. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized within 14 days of award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.

7. Actions to Increase Competition: The Government will continually conduct market research by surveying the marketplace to determine if there are any other solutions that can meet VA's needs.

8. Market Research: Between November 2014 and December 2014, the Government's technical experts conducted market research on the NASA SEWP IV GWAC and the General Services Administration SmartBUY Blanket Purchase Agreement and determined that none of the vendors providing Full Disk Encryption software can provide the required software maintenance support for the current Symantec licenses owned and used by VA. Additionally, similar software products were reviewed by the Government's technical experts in January 2015 to ascertain their ability to meet VA's needs. These products included WinMagic SecureDoc, Sophos SafeGuard and CheckPoint FDE. The Government's technical experts surveyed the marketplace by engaging with these vendors via conference calls, white paper reviews, and solution analysis. It was determined that the only source that could meet VA's needs for the proprietary Symantec Endpoint Encryption Client Software licenses and software maintenance is Symantec or an authorized reseller. None of the other software could meet VA's interoperability and compatibility requirements as discussed in paragraph 5 of this document.

Additional market research was conducted in December 2014 via a Request for Information (RFI) which was released to all the NASA SEWP IV GWAC holders. The RFI closed and yielded three capable interested vendors that can provide the required software licenses and software maintenance who stated they would respond when a Request for Quotation was released. Limited competition is therefore anticipated.

9. Other Facts: None.

Enterprise Full Disk Encryption  
Software Maintenance


Control Number: 15-014

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.

Shawn Reed

Date: 1/29/2015

I.T. Specialist, Security Assurance

Signature: 

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. Contracts awarded on the NASA SEWP IV GWAC have already been determined to be fair and reasonable. The successful quote will be compared to the Independent Government Cost Estimate.

Debra Clayton

Date: 2/4/15

Procuring Contracting Officer

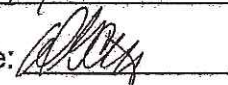
Signature: 

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

Debra Clayton

Date: 2/4/15

Procuring Contracting Officer

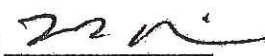
Signature: 

13. Legal Sufficiency Certification: I have reviewed this justification and find it adequate to support an exception to fair opportunity and deem it legally sufficient.

Frank V. DiNicola

Date: 2/4/15

Legal Counsel

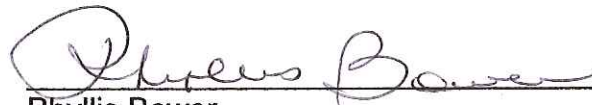
Signature: 

Approval

In my role as Contracting Activity Competition Advocate, based on the foregoing justification, I hereby approve the acquisition for the software maintenance renewal of 450,000 currently fielded brand name Symantec Endpoint Encryption software licenses and options for the purchase of additional software licenses and maintenance. This action will be issued on an other than fair opportunity basis pursuant to the authority cited in paragraph 4 above, subject to the availability of funds, and provided that the property and services herein described have otherwise been authorized for acquisition.

Date: 2/00/15

Signature:

A handwritten signature in dark ink, appearing to read "Phyllis Bower", written over a horizontal line.

Phyllis Bower  
Head of the Contracting Activity  
Office of Acquisition Operations