

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 to include brand name specifications in a firm-fixed price delivery order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC). Due to numerous authorized resellers limited competition is anticipated for this acquisition.
3. Description of the Supplies or Services: The proposed action shall provide the Office of Information and Technology (OI&T), Service Delivery and Engineering (SDE), Enterprise Systems Engineering (ESE) with brand name Verisign PKI software license renewals and maintenance that provides critical encryption key recovery capabilities for VA-issued PKI certificates incorporating operational certificates (for system administration) and infrastructure certificates (for systems to operate). Verisign PKI recovery capability software is utilized by VA to recover Verisign PKI encryption keys that were issued to VA employees and contractors. VA is required to meet the technical specifications and requirements associated with compliance to Homeland Security Presidential Directive 12 and Federal Information Processing Standard 201-1 to be able to recover previously issued Verisign PKI encryption certificates and keys.

The recovery of the encryption certificates and keys allows VA to decrypt data from VA employees and contractors to whom the certificates and keys were issued and have lost them; and if there is a legally justified reason that requires that VA access information previously encrypted by a VA employee or contractor, especially in support of an authorized investigation including those of the VA Office Inspector of the General where access to encrypted information is required. The total estimated price of the proposed action is [REDACTED]. The period of performance for this proposed action is 12 months.

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) as implemented by Federal Acquisition Regulation (FAR) 16.505(b)(2)(i)(B), "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 accordance with FAR 11.105, Items Peculiar to One Manufacturer. Based on the market research, as described in section 8 of this document, it's

been determined that limited competition is available for the required brand name software license renewals and maintenance among authorized resellers of Verisign products and services. VA has researched various methods for recovery of previously issued certificates and encryption keys and has found that only Verisign retains the proprietary rights to its software used to issue PKI certificates. Furthermore, only Verisign or an authorized reseller has access to the private certificate and key material held in escrow. Therefore, only Verisign's software can access the private certificate and key material, as well as provide the required decryption capability and compatibility with the encryption keys and certificates previously issued using Verisign software.

6. Efforts to Obtain Competition: Market research was conducted in March 2015, the details of which are in section 8 of this justification. This effort did not yield any additional sources that could meet the Government's requirements. Although the Government is limiting competition as a result of specifying Verisign brand name software license renewals and maintenance, multiple resellers of Verisign products and software is available on the NASA SEWP V GWAC. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and the justification will be made publicly available on the Federal Business Opportunities Page within 14 days of award.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will continue to perform market research to ascertain if there are changes in the marketplace that would enable future actions to be competed.

8. Market Research: Market research was conducted by Dale Lewis, OI&T SDE ESE Information Technology (IT) Specialist, in March 2015. Mr. Lewis conducted the market research through the evaluation of data gathered through industry websites and product offerings. Specifically, Mr. Lewis evaluated various sources of PKI software within the industry, to include Entrust, Verizon Business, Ascertia, and Operational Resource Consultants in addition to Verisign. This market research confirmed that only Verisign or an authorized reseller has proprietary rights to PKI certificates previously issued using Verisign software. Additionally, while other sources had the general capabilities needed to perform the required PKI recovery services, only Verisign software can access the private certificate and key material, as well as provide the required decryption capability and compatibility with the encryption keys and certificates previously issued using Verisign software. Additional market research was conducted by Michael Brill, Contract Specialist using the NASA SEWP IV Provider Lookup tool in April 2015 to determine resellers capable of providing the required Verisign software license renewals and maintenance to enable PKI recovery services. This search indicated that 30 NASA SEWP IV GWAC holders offer Verisign software, maintenance support and PKI recovery services as "authorized resellers." These 30 resellers cover all of the NASA SEWP contract groups

including seven Value Added Resellers (VARs) and Computer System Original Equipment Manufacturers in Contract Group A; five SDVOSB VARs in Contract Group B, nine Small Business Set-Aside VARs in Contract Group C, and nine VARs in Contract Group D.

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.

Dale Lewis

Date: 4-9-2015

Lead IT Specialist

Signature:



11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract will be fair and reasonable based upon anticipated competition. Additionally, NASA SEWP has already determined that the prices on contract are fair and reasonable. Finally, the successful quote will be compared to the Independent Government Cost Estimate.

Robert Kirzow

Date: 5/6/2015

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 Kirzow

Date: 5/6/2015

Procuring Contracting Officer

Signature: Robert Kirzow