

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, New Jersey 07724
2. Description of Action: The proposed action is for a firm-fixed price delivery order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for brand name Zovy Secure Archive (SA) hardware, as well as associated hardware/software maintenance and support.
3. Description of the Supplies or Services: VA, Office of Information and Technology (OI&T), Enterprise System Engineering, Enterprise Messaging and Collaboration Services has a requirement for Zovy SA hardware and hardware maintenance and support, and for renewal of VA-owned Zovy SA licenses to continue email archiving services for 20,000 users in VA Central Office (VACO) and OI&T locations. The Contractor shall also provide all necessary hardware to complete implementation and migration services. The previous email archive system used by VACO and OI&T since 2009 was purchased from Autonomy Corp. (Autonomy). This Autonomy email archive system was a hybrid mix of EAS software with a Digital Safe (DS Mail) backend storage appliance. In 2013, Autonomy announced the end of life for both EAS and DS Mail. As a result in 2014, the prime contractor for the current support contract, Thundercat Technology, utilized the services of Zovy (formerly Rand) to take over support and will eventually replace the existing EAS email archive system based on the required hardware, implementation and migration services. The hardware shall be delivered within 30 days after receipt and processing of the delivery order. The period of performance for the hardware/software maintenance and support shall be 12 months from date of award. The total estimated value of the proposed action 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) 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 market research, as described in section 8 of this justification, it was determined that limited competition is viable among authorized resellers for Zovy SA hardware, license renewal, and hardware/software maintenance and support. Only Zovy can provide Zovy SA, which shall replace the existing EAS email archive system for all email archiving for the entire VA. Zovy SA is the only solution that is interoperable, compatible, and has direct migration capability from VA's legacy EAS and DS Mail systems. Only Zovy is compatible with the currently fielded EMC storage platform, as well as email platforms including Microsoft Exchange 2003, 2007, 2010, 2013, and Office 365, to

perform legacy archiving functions from EAS. Only Zovy can provide integrated archiving and full eDiscovery bundled with migration of legacy data through direct translation with the legacy indexing platform. Failure to obtain the aforementioned license renewal, hardware, maintenance, support, and upgrades will have a direct and significant impact for VA. Without the Zovy SA licenses, the system will cease to function and critical data from VACO and OI&T email may be lost. Additionally, the VA Inspector General and Office of General Counsel will be unable to retrieve necessary data from emails to support investigation and litigation missions. In addition, Zovy owns all proprietary programming language and intellectual property associated with its Zovy software. There is no support or resale of Zovy software outside of Zovy and its authorized resellers; therefore, only Zovy or its authorized resellers can provide the required hardware, license renewal, and associated hardware/software maintenance and support.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. 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 of the required brand name Zovy SA hardware and software maintenance and support. In accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation to all appropriate NASA SEWP V GWAC holders. Furthermore, in accordance with FAR 5.301 and FAR 16.505(b)(2)(ii)(D), the award notice for this action will be synopsized at award on the Federal Business Opportunities website and this justification will be made publicly available within 14 days of award.
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 competed.
8. Market Research: The Government's technical experts conducted market research in May 2015 to ascertain if any other software product could meet VA's requirements. Specifically, VA technical experts reviewed other similar software.

[REDACTED] Although these other competitors provide email archiving functions, only Zovy can support the existing archive environment. Furthermore, none of these other products can offer the seamless migration from the existing email archive application. These other products would require a complete overhaul of the archive environment and would not meet VA's needs. VA already owns Zovy SA licensing and requires license renewal plus additional hardware to complete the data migration from the current email archiving system to Zovy SA. In addition, VA's technical experts also could not find any other sources that could provide the aforementioned software maintenance and support without access to the proprietary technical data for the Zovy SA software. Unauthorized software providers do not have access to the proprietary data of the software to be able to provide troubleshooting, updates, fixes, patches, and upgrades. Based on market research, VA technical experts concluded

that Zovy products are the only commercially available products that can meet the Government's interoperability and compatibility requirements previously discussed.

In order to determine if there is a reasonable expectation of obtaining quotes from two or more responsible small business concerns, further market research was conducted in August 2015. The Contract Specialist utilized the NASA SEWP V Provider Lookup tool, and identified [REDACTED] GWAC holder that is a reseller of Zovy products and services that meet the requirements of this acquisition. However, NASA SEWP V GWAC has a dynamic catalog where line items can be added based on customer requests; therefore, as long as the required item or service is within scope of the NASA SEWP V GWAC, items and services can be added to the catalog on a daily basis. Therefore, limited competition is expected for this proposed action.

9. Other Facts: None.