

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 a National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for Imperva Software Maintenance and Support.
  
3. Description of the Supplies or Services: VA, Office of Information and Technology, Service Delivery and Engineering, Enterprise Operations (EO) requires brand name Imperva software maintenance and support for EO's 46 current network monitoring software licenses. The required software maintenance will consist of minor software upgrades and updates to include major releases, point releases, service releases and security releases of applicable software on a quarterly basis, and/or within 48 hours in cases in which a high risk vulnerability fix becomes available. Additionally, VA requires Imperva Designated Support services to support EO system security appliances currently in production and running Imperva software to include a telephone number, which the Contractor shall staff 24 hours per day, 7 days per week, 365 days per year for VA to contact and open a maintenance support call. The period of performance shall be 12 months from date of award.
  
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), 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 document, it was determined that limited competition is available among authorized resellers for the required brand name Imperva Software Maintenance and Support. Imperva software is currently deployed throughout the EO infrastructure to provide system security monitoring of all system logs and network connectivity to provide security event and log correlation, security event alerts and information security threat intelligence, and reporting of all network malware activity, which is used for security information and event management functions for EO data center systems and networks. Only Imperva or an authorized reseller can provide the required software maintenance and support because the source code required to develop and implement software upgrades and updates, perform software diagnostics, and troubleshoot the software is proprietary to Imperva. Specifically, the software currently fielded has proprietary constraints that preclude another source from providing

services without access to the source code. Without access to the aforementioned proprietary source code, no source other than Imperva and its authorized resellers can meet VA's needs. Maintenance of EO's existing Imperva software is vital to VA for continued sustainment of uninterrupted network monitoring capability. There are immediate risks to EO's network security posture if maintenance and support for the existing Imperva software is not acquired. Capability gaps would exist in the software, thus preventing full security visibility of existing and potential system and database vulnerabilities on the network. Consequently, VA would not be able to take necessary corrective actions to protect VA data and information.

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 that limited competition is viable among authorized resellers for the required brand name Imperva software maintenance and support. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), notice of award for this action will be synopsisized and this justification will be made publicly available on the Federal Business Opportunities Page within 14 days of award. In accordance with FAR 16.505(a)(4)(iii)(A), this justification will be posted with the request for quotation on the NASA SEWP V GWAC to notify interested parties.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition on future acquisitions for this requirement, the agency will continue to perform market research to consider and ascertain if any other sources can provide the required the required software, maintenance and support in the future. The Government will continue to investigate alternatives to Imperva software maintenance that may be compatible with the current infrastructure or whether Imperva permits third parties other than resellers to access its proprietary software to provide maintenance and support.

8. Market Research: In March 2016, the Government's technical experts reviewed similar software maintenance and support brand providers, specifically IBM, AMP Tech Solutions and AppSecurity to ascertain if these providers could meet, or be modified to meet, VA's requirements. Although these vendors possess products with similar capabilities to provide the software maintenance and support, only Imperva or an authorized reseller has access to the proprietary source code required to provide maintenance and support to the Imperva software in operation within EO. Therefore, only Imperva or an authorized reseller can provide the required software maintenance and support.

Additionally, in June 2016, the Contract Specialist conducted market research to ascertain the extent of limited competition among resellers. Through use of the Provider Look-up tool on the NASA SEWP V GWAC website, numerous resellers of the required Imperva software maintenance and support that hold current GWACs were identified that could possibly meet VA's needs. Therefore limited competition is anticipated.

Other Facts: None