JUSTIFICATION AND APPROVAL
FOR OTHER THAN FULL AND OPEN COMPETITION

1. <u>Contracting Activity:</u>   Department of Veterans Affairs (VA)
   Office of Acquisition Operations
   Technology Acquisition Center
   260 Industrial Way West
   Eatontown, New Jersey 07724

2. <u>Description of Action:</u> This proposed action is for a Firm-Fixed-Price Delivery Order (DO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Center (GWAC) to acquire all necessary software licenses and software maintenance needed to complete the VA's vision of having all software requirements under yearly software maintenance and licensing. This purchase is for Computer Associates ARCserve software licenses and maintenance agreements to support an established ARCserve environment. The contractor shall provide one (1) 12-month base year of maintenance and licensing plus two (2) 12-month option years of maintenance.

3. <u>Description of Supplies and Services:</u> The Virtual Veterans Affairs (VVA) requires software licenses and maintenance to renew, update, upgrade, reinstate and procure software maintenance and licensing for existing servers that support the deployed VVA solution. This will bring all VVA Windows server software back into compliance with VA Standards of Software Maintenance. This software encompasses the full VVA product, meaning any and all software used to create, maintain, service and produce all VVA products and documents used by the Compensation and Pension (C&P) claims adjusters to create C&P documents for the Veterans. The listing below details the required software and maintenance:

Product	Software Description	Part No.	QTY
ARCserve Backup for Windows	ARC R15 CLNT AGT WIN UPG, plus EM1. ARCserve B / U r15 Client AGT for WINA - Prior VER UPG PROD+1YR ENT MNT (Enterprise)	BABWUR1500W22G4	11
ARCserve Backup Client Agent for Windows	ARC R15 WIN UPG +EM1 Host for running Arc Serve (supports Metabase) Backup Client. ARCserve B / U r15 for WINA A - Prior VER UPG -PROD+1YR ENT MNT	BABWUR1500W00G4	5
ARC R15 WIN DR OPT UPG	ARC R15 WIN DR OPT UPG +EM1 DR. ARCserve B / U r15 for WIN Disaster Recovery	BABWUR1500W05G4	5

+EM1	OPTA - Prior VER UPG - PROD+1YR ENT MNT		
ARCserve Backup Client Agent for UNIX	ARC R15 CLNT AGT UNIX UPG +EM1. Unix/Linux server back up. ARCserve B / U r15 Client AGT for UNIXA - Prior VER UPG - PROD+1YR ENT MNT	BABWUR1500W19G4	5
ARCserve Backup for Windows	GLP BAB FOR WIN-ENT 1YR MNT RNWL (Part No.: A2290439)	A2290439	11
ARCserve Backup Client Agent for Windows	GLP ARC UNIV WIN CLT-AGT ENT 1YR MNT RNWL (Part No.: A2833102)	A2833102	5
ARC R15 WIN DR OPT UPG +EM1	GLP BAB FOR WIN DRO-ENT 1YR MNT RNWL (Part No.: A2286919)	A2286919	5
ARCserve Backup Client Agent for UNIX SEWP Fee	GLP BAB UNIV UNIX CLT-AGT ENT 1YR MNT RNWL (Part No.A2286755)	A2286755	5

The total estimated price for the base and all option years is $

4. <u>Statutory Authority</u>: 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. <u>Reason for Authority Cited</u>: Computer Associates' ARCserve software suite provides the critical data management tools for VVA. This software provides data backup, de-duplication, disk-to-disk replication and high availability for critical data. The ARCserve software suite is necessary to provide reliable, robust backup for VVA data Regional Offices in Philadelphia, Pennsylvania, Milwaukee, Wisconsin, and St. Paul, Minnesota, as well as the data center in Hines, Illinois. VVA depends on this software, which supports the interoperability and compatibility of devices to operate and perform its mission. The ARCserve software ensures compatibility with the existing VVA Application system and code currently implemented. ARCServ is

software that has been incorporated into the Virtual VA Software baseline since its inception. Implementing another product to perform this critical function of the application will require:

1. Training for Virtual VA Support staff or contract modifications to ensure the availability of expert support staff for the new product (estimated at $500K per year).

2. Delay in the ability of VA Office of Information & Technology to support the mission critical Veterans Benefits Management Assistance Program for approximately six months post product award to implement the new solution. Although no exact cost has been identified that would result from a six month delay, a minimum of $500K in contract cost adjustments and lost claims production is a reasonable estimate.

3. The total initial estimates associated with implementing a product, other than ArcServe is $1M. This cost not only represents a severe and unnecessary financial burden to the VA, but would also inhibit the VA from quickly executing a program that will help to reduce the veteran claims backlog, a direct benefit to the veteran. Therefore, no other software was researched to perform this mission critical function.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Limited competition is anticipated for the required brand name item and maintenance. Furthermore, in accordance with FAR 5.3 the contract award will be synopsized on the Federal Business Opportunities (FBO) Page. In addition, this Justification and Approval (J&A) will be made publicly available on the FBO page.

7. Actions to Increase Competition: Although the Government is limiting competition as a result of specifying a brand name item, there are authorized resellers of these products on the NASA SEWP IV GWAC. Limited competition for this requirement among these vendors is anticipated. Accordingly, this J&A and the Request for quote will be submitted to all four (4) groups on the NASA SEWP IV GWAC in order to notify all interested parties and obtain price competition. Any quotations received will be evaluated. Furthermore, in order to remove or overcome barriers to competition in the future for this requirement, the agency will work with the program office to perform additional market research in a timely manner so that the other solutions can be considered.

8. Market Research: Market Research was conducted on 6-8 December 2011 by VA through the issuance of a Request for Information (RFI) on the NASA SEWP IV GWAC. Three contract holders; Dell, Merlin International, and PC Mall Gov

responded to the RFI, showing their ability to provide the required software, maintenance and licenses. Based on this market research, limited competition is expected for this proposed action. Moreover, the cost to the Government (VA) to incorporate a product, other than ArcServe into the Virtual VA software baseline, will place an unnecessary and severe burden on the VA in the form of $1M in additional costs and months of lost claims production. For specific details see section 5 above.
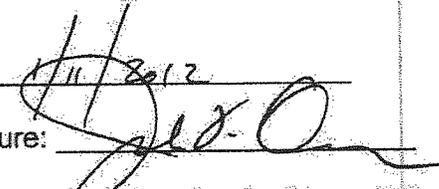
9. Other Facts: There are no additional facts.

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.

John Quigley   Date: 1/11/2012
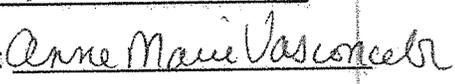
Virtual VA Program Manager   Signature: _____

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. As there are multiple potential vendors on NASA SEWP IV GWAC, price competition is anticipated. Finally the successful quote will be compared to the Independent Government Cost Estimate.

Anne Marie Vasconcelos   Date: 1-12-2012

Procuring Contracting Officer   Signature: Anne Marie Vasconcelos

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

Anne Marie Vasconcelos   Date: 1-12-2012

Procuring Contracting Officer   Signature: Anne Marie Vasconcelos