

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 Government wide Acquisition Contract (GWAC) for support services of Solarwinds software.
  
3. Description of the Supplies or Services: VA currently licenses Solarwinds software which assist with application and server troubleshooting; server performance monitoring; and capacity monitoring. VA has recently stood up a new Command Center under the Office of Information and Technology, Service Delivery and Engineering, Enterprise Operations (EO), and has a requirement for support services of Solarwinds software to help plan, design, and integrate the existing Solarwinds software into the EO Command Center. These services will provide VA with expert level support for the integration and optimization of Solarwinds instances as well implementing reporting functions. These services will support the Command Center staff to rapidly prototype, build, and/or modify network monitoring services to include application and server troubleshooting; server performance monitoring; and capacity and hardware health monitoring. VA's goal is to have a solution deployment implemented with speed and flexibility, accelerate time to value, access unsurpassed domain expertise, and assist with defining approaches and strategy relative to deploying Solarwinds solutions. The period of performance is a 12 month base period with one (1) 12 month option period. The total estimated price of this proposed action is [REDACTED], inclusive of options.
  
4. Statutory Authority The statutory authority permitting an exception to fair opportunity is 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 upon market research, as described in section 8 of this justification, it was determined that limited competition is viable among authorized resellers for this requirement. The current system communicates through software that is based on Solarwinds proprietary source code. No other software can provide the required communication capability without that proprietary source code. Additionally, only Solarwinds support can be used for Solarwinds products as they, along with their authorized resellers are the only ones with access to the proprietary source code. This proprietary source code is needed to access the Solarwinds code structure to make sure the support provided meets VA's needs of ensuring the software remain operational. Based on the market research

conducted by the Government's technical experts, it has been determined that only Solarwinds or its authorized resellers have the required access to the source code and other proprietary data of the software to be able to meet the Government's needs.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in Section 8 of this Justification. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized within 14 days of award on the Federal Business Opportunities (FBO) page and the justification will be made publicly available. In addition, in accordance with 16.505(a)(4)(iii)(A), this Justification for an Exception to Fair Opportunity will be posted on the NASA SEWP V website with the solicitation.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to perform additional market research so that other solutions can be considered.

8. Market Research: In July 2016, the Government's subject matter experts conducted market research to determine if there were viable manufacturers other than Solarwinds to meet VA's requirements. Competitors such as Nagios, Big Brother, and Quest were analyzed. Based on this analysis, the Government's technical experts determined that none of these sources could satisfy VA's requirement for support services of the Solarwinds software based on the proprietary nature of the source code and Intellectual Property Rights. Solarwinds was contacted on July 19, 2016, to inquire whether its source code was for sale. Solarwinds confirmed that the source code is proprietary and not for sale. Additionally, market research was conducted in June 2016 through the issuance of a Request for Information (RFI) on NASA SEWP V to identify potential sources for the required Solarwinds software support services. The RFI resulted in responses from three (3) Service Disabled Veteran Owned Small Businesses (SDVOSBs), Better Direct, ThunderCat Technology, and Alvarez and Associates, one (1) Small Business, Red River, and one (1) Large Business, PCMG. On July 14, 2016, additional market research was conducted by utilizing the NASA SEWP V GWAC Provider Look-up Tool which confirmed that there are 101 federal registered partners for Solarwinds on the NASA SEWP V GWAC, including 14 SDVOSBs. Based on the analysis of the responses, there is a reasonable expectation that limited competition exists on the NASA SEWP V GWAC for the required Solarwinds software support services.

9. Other Facts: None