

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 for a firm-fixed-price Delivery Order (DO) to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for brand name CommVault software licenses and associated software maintenance.
3. Description of the Supplies or Services: VA, Office of Information and Technology, Enterprise Program Management Office, Veterans Health Administration (VHA) Member Services Call Center Initiatives has a requirement for CommVault brand name software licenses and associated software maintenance to support the expansion of the Veterans Crisis Line (VCL) Call Center to 220 new agents at the Atlanta Health Eligibility Center (HEC). The required brand name CommVault Simpana Data Protection Advanced software licenses provide increased data storage capacity to the existing data backup solution which is comprised of EMC and NetApp Storage Array Networks (SAN). Failure to procure additional licenses will impede, or seriously degrade, the ability of VCL call center personnel to backup and recover data. This initiative is one of the Secretary's major initiatives to increase Veterans' access to care. This procurement will allow VA engineering staff to expand storage capabilities to support the hiring of 220 new personnel. The associated software maintenance consists of patches, all major and minor software updates and upgrades, and telephone support. The software licenses shall be delivered within 30 days of award with 12 months of software maintenance. The total estimated price of the proposed action is [REDACTED]
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 on extensive market research, as described in section 8 of this document, it was determined that limited competition is available for the aforementioned brand name CommVault software licenses and associated software maintenance. The current data backup and recovery solution in place at the Atlanta HEC is based on CommVault data backup software which is compatible with the existing infrastructure in place consisting of EMC and NetApp Storage Array Networks (SAN). Since the CommVault licenses are a component which is applied to the existing SAN infrastructure, other data backup software solutions are not interoperable or compatible with VA's existing CommVault

based solution due to the proprietary operating system code. Any other data backup software would not communicate with the current SAN and would require a complete replacement of the currently fielded CommVault software that is utilized at the VA Atlanta HEC location where the additional backup and recovery capability is required. These replacement efforts would result in extensive delivery delays and duplicated costs that would not be recovered through competition. Only CommVault or an authorized reseller can provide the aforementioned CommVault products.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. This effort did not yield any additional sources, other than authorized resellers, that can meet the Government's requirements. It was determined, however, that limited competition is viable among authorized resellers for the required CommVault brand name licenses. 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 within 14 days of award on the Federal Business Opportunities Page. Additionally, in accordance with FAR 16.505(a)(4)(iii)(A)(2) the justification and supporting documentation shall be provided along with the solicitation to all contract awardees.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the Government will continue to perform market research to determine if new backup software comes on the market that is compatible with the current data backup software solution that will enable future requirements to be competed.

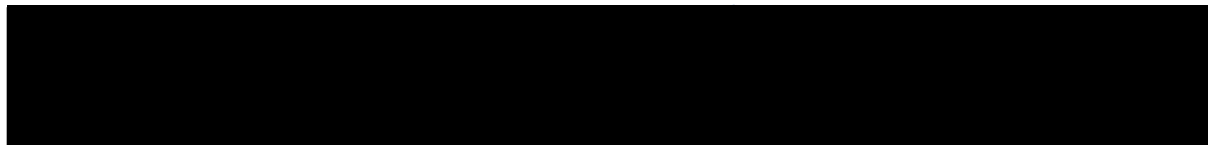
8. Market Research: In June 2016, the Government's technical network engineers conducted ongoing market research to determine if other brand name products existed that could meet VA's requirement. VA's technical storage engineers reviewed similar backup software from Symantec. However, software solutions cannot meet VA's needs because the Symantec Backup Exec is not fully interoperable and compatible with the current CommVault solution due to the proprietary operating system code of the current CommVault software. Based on this market research, it was determined that only CommVault brand name backup software can meet all of VA's needs to support the expansion of backup and recovery capability to support the expansion of VCL to the Atlanta HEC. In July 2016, additional market research was conducted on the NASA SEWP GWAC which found that numerous resellers of CommVault brand name software and software maintenance are available.

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.



11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this action will be fair and reasonable. Pricing for products awarded on NASA SEWP V GWAC have already been determined to be fair and reasonable and more competitive pricing is anticipated from competition and discounts among GWAC holders who are authorized resellers of the required CommVault software licenses and software maintenance. Finally, price analysis shall be conducted by comparing the successful quote to the Independent Government Cost Estimate.



12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this action does not exceed \$500,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) and VA Acquisition Regulation 806.304 serves as approval.

