

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 to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government-Wide Acquisition Contract (GWAC) for the renewal of Veritas NetBackup (“NBU”) Platform Base Complete Edition 7.7 (or the most current version) Platform 1 Front End Terabyte (TB) software, software maintenance, and technical support services.
3. Description of Supplies or Services: VA, Office of Information and Technology (OI&T), Service Delivery and Engineering (SDE), Enterprise Operations (EO) requires one Veritas NBU Platform Base Complete Edition 7.7 (or the most current version) Platform 1 Front End TB software and software maintenance for VA’s Enterprise Backup Solution and technical support services, including Business Critical Services Premier for NBU Family, Business Critical Services NBU Family Remote Product Specialist, and NBU Resident. Renewal of the Veritas NBU family of software and maintenance shall support 1,001 TB of storage infrastructure for VA EO systems. The software maintenance shall consist of software upgrades and updates to include major releases, point releases, service releases and security releases of applicable software. In addition, the Contractor shall provide technical support services including: analyzing current performance and trends; reporting problems or deficiencies found in the VA NBU deployments; onsite support to VA’s critical locations for Severity 1 system down escalations; weekly/monthly trouble ticket history reporting; infrastructure monitoring and management; testing and deployment support of scheduled NBU implementations, minor product updates and patches; knowledge transfer; and quarterly program status presentations. The period of performance shall be September 30, 2016 through September 29, 2017.
4. Statutory Authority: The statutory authority permitting this 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: Based on market research, as described in section 8 of this justification, it was determined that limited competition is viable among authorized resellers for the required brand name Veritas software maintenance and technical support services. The current EO storage infrastructure includes database structures, protocols, and software application programming

interfaces only supported by existing Veritas Capacity software and VA requires software and maintenance compatible with the existing storage infrastructure components to ensure continued operational availability. Specifically, the current storage infrastructure communicates through source code that is based on Veritas proprietary data, and any alternate brand software will use its own proprietary code or open source code which would not be compatible with the existing infrastructure. Therefore, only Veritas or an authorized reseller which has access to the proprietary source code have the ability to meet VA's requirements as no other brand product is compatible with or interoperable with the existing Veritas Capacity software proprietary database structures, protocols, and application programming interfaces. Additionally, access to the proprietary source code is necessary to configure the required minor product updates and patches prior to being pushed, and provide technical support services including deployment and implementation support. Failure to acquire compatible software maintenance and technical support services could cause system failures, putting the 1,001 TB of storage and associated data currently being backed up and restored, including internal VA sensitive information, at risk of security breach and compromise.

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 Veritas Capacity software maintenance and technical support services. 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 there are changes in the marketplace that would allow other brand products to work with the existing Veritas software within the EO storage infrastructure, thus enabling future actions to be fully competed.
8. Market Research: The Government's technical experts conducted market research in June 2016 by reviewing similar software to ascertain if these products could meet or be modified to meet VA's requirements. Specifically, the Government's technical experts conducted web-based research on vendor websites to include McAfee and Kaspersky. Although these vendors offer similar software, maintenance and technical support services, only Veritas or an authorized reseller are capable of providing software maintenance and technical support services that meet the Government's compatibility and interoperability requirements as described in paragraph 5 above.

Additionally, market research was conducted in June 2016 by utilizing the NASA SEWP V Provider Lookup Tool to determine whether the required brand name Veritas Capacity Software Maintenance was available from NASA SEWP V GWAC holders. The results of the search found that there are 71 resellers of Veritas products that could possibly meet VA's needs. Of the resellers, 14 are Service Disabled Veteran Owned Small Businesses; three are Veteran Owned Small Businesses; 41 are Small Businesses; and 13 are Large Businesses. Therefore, limited competition is anticipated.

9. Other Facts: None.