

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: This proposed action is for a firm-fixed priced task order to be issued under the Transformation Twenty One Total Technology Next Generation (T4NG) Program, indefinite delivery, indefinite quantity (IDIQ) Contract Number VA118-16-D-1027 with SBG Technology Solutions, Inc., to provide program and policy support for the Department of Veterans Affairs (VA), Office of Information & Technology (OI&T), Office of Cyber Security Policy and Compliance (OCSPC).

3. Description of the Supplies or Services: The proposed action is to provide project monitoring and management services to VA Office of Cyber Security (OCS) by prioritizing, planning, tracking, reporting and ensuring implementation of all OCS projects, including the technical support services. Additionally, the Contractor shall provide support to the OCS Security Improvement Program (SIP) and shall provide Information Security Policy Support by ensuring Information Security (IS) documentation complies with federal laws, regulations, standards, and guidance. The Contractor shall provide support for assistance in creation and revision of organizational policies, standards, guidance, procedures, memoranda, bulletins, presentations, and policy waivers as per OCS guidance. Further, the Contractor shall be responsible for supporting the development of security related policies and handbooks designed to meet VA's Directive and Handbook 6330, Directives Management formatting requirements as well as VA's Section 508 compliance requirements, across the spectrum of IT and IT Security related disciplines and subject areas. The period of performance for this effort consists of one (1) 12-month base period with one (1) 12-month option period. The total estimated price of the proposed action inclusive of the option period is [REDACTED].

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(4) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(D), entitled "It is necessary to place an order to satisfy a minimum guarantee."

5. Rationale Supporting Use of Authority Cited Above: The proposed source is SBG Technology Solutions, Inc. 2 Brittany Ln, Stafford, Virginia 22554. Solicitation VA118-15-R-0558 was issued competitively, utilizing the Federal Business Opportunities (FBO) website on November 19, 2014. The solicitation closing date was December 19, 2014. Twenty-four offerors were chosen for an award in accordance with the criteria set forth in the Basis for Award of the solicitation. Included in the solicitation was FAR clause 52-216-22, Indefinite Quantity, which stated the minimum guarantee. This order is being issued to SBG to satisfy the minimum guarantee. SBG has been determined by the

Government's technical experts to meet all aforementioned requirements. The determination included a review of the selected awardee's technical capabilities.

As the base period for this task order is one (1) year, one (1) 12-month option is required to maintain continuity of domain knowledge which is critical as this task order provides assisting in analyzing and recommending cyber security policy guidance to OCS, its Directorates, and Information Security Officer (ISO) community in order to remain in compliance with ever-changing guidance. These System Owner's rely on their authorization activities; thus addressing a portion of the Material Weakness finding. If continuity of services is not provided, there is high risk that the Contractor cannot continue the process, policy and guidance improvements that may be undertaken with OCS approval. OCS would lose the opportunity to gain the efficiencies recommended by this Contractor and therefore have to undergo the review and analysis phase continuously with no positive results as a benefit. This could result in the OCS community not being able to take advantage of the much need improvement in guidance required to gain authorization decisions and thereby miss critical deadlines that must be fulfilled to ensure their system receive an Authority to Operate (ATO) before the Office of Inspector (OIG) conducts their annual audit. In addition, the significant ramp up period required to achieve the security domain knowledge would be lost if the continuity of services could not be realized with the contractor.

A minimum guaranteed order under an IDIQ contract must be placed during the same fiscal year as the IDIQ is awarded to avoid a bona fide need violation (31 U.S.C. Section 1502) and until it is placed, there is no enforceable contract. Once the IDIQ contract has been awarded, an obligation is created. Given the time remaining in the fiscal year, it is not possible to compete the orders with an expectation that each remaining T4NG contractor not meeting the minimum will be awarded one.

6. Efforts to Obtain Competition: In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized at award on the Federal Business Opportunities page and the justification will be made publicly available within 14 days after the award. In addition, this justification will be posted with the solicitation to notify all the T4NG vendors.

7. Actions to Increase Competition: There is no competition anticipated for this action as it is being issued to meet the mandatory minimum guaranteed value for this IDIQ contract. It is expected that any future requirements will be awarded on a competitive basis.

8. Market Research: Market research was not conducted for this effort. The order is being issued to meet the mandatory minimum guaranteed value for this IDIQ contract.

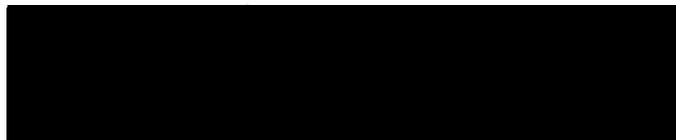
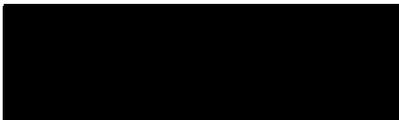
9. Other Facts: Twenty-one of the T4NG contracts were awarded on March 7, 2016. An additional three contracts were awarded on June 10, 2016. Due to protests, these contracts were not available for use until June 21, 2016. An additional four

contracts were awarded on August 2, 2016, for a total of 28 T4NG contracts. Twenty-Two awards have been made competitively, resulting in the minimum guarantee being met for nine of the T4NG contractors.

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.



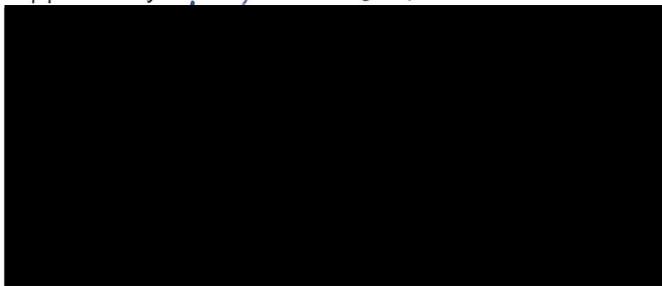
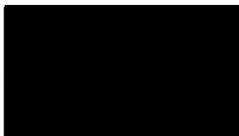
11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on price analysis and comparison with the Independent Government Cost Estimate.



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



13. Legal Sufficiency Certification: I have reviewed this justification and find it adequate to support an exception to fair opportunity and deem it legally sufficient.

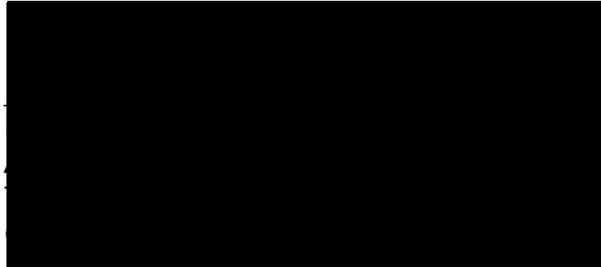


Approval

In my role as Advocate for Competition, based on the foregoing justification, I hereby approve the acquisition of program and policy support for VA OI&T OCSPC on an other than fair opportunity basis pursuant to the authority cited in section 4 above, subject to availability of funds, and provided that the services herein described have otherwise been authorized for acquisition.

Date: 9-1-16

Signature:



Justification For An Exception To Fair Opportunity
Coordination Matrix

