JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. <u>Contracting Activity</u>:   Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
23 Christopher Way
Eatontown, NJ 07724

2. <u>Description of Action</u>: The proposed action is for a Firm-Fixed-Price Delivery Order (DO) under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government-wide Acquisition Contract (GWAC) for hardware, software, and support for the Zovy email archiving system.

3. <u>Description of the Supplies or Services</u>: VA, Office of Information and Technology (OI&T), Service Delivery and Engineering, Field Operations Region 3, in support of Veterans Health Administration Veterans Integrated Service Network (VISN) 6 has a requirement for hardware, software, and support for the Zovy email archiving system that is comprised of components from multiple brand name manufacturers, including Zovy, Pure Storage Enterprise (StorageE), and ExtraHop. These items are required for the Zovy email archiving system. Specifically, this effort includes software maintenance support on 100,000 currently fielded Zovy email archiving software licenses, one Pure StorageE flasharray m50 fire channel non return solid state hardware drive, and 100 ExtraHop software licenses. Each component has been specifically configured to work together to meet VA's requirements. Zovy is a Commercial-Off-The-Shelf (COTS) product that has been configured and modified for OI&T's needs across the enterprise. The software maintenance support will cover the current email archiving systems bundle hosted in the Data Center in the VISN 6 Richmond Medical Centers and will ensure continued operation of the existing email archiving system. The required software maintenance support provides operating environment updates, 24/7 remote monitoring and onsite response, global technical support, and 24/7 access to online support tools. The period of performance shall be December 2, 2016 through December 1, 2017 followed by two 12-month option periods for an additional software maintenance bundle.

4. <u>Statutory Authority</u>: The statutory authority permitting this exception to fair opportunity is Section 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. <u>Rationale Supporting Use of Authority Cited Above</u>: Based on market research, described in paragraph eight of this document, the Government has determined that only Zovy or an authorized reseller can provide the required items and support. The Zovy email archiving software that must be maintained is proprietary, therefore, only Zovy or an authorized reseller with access to the proprietary source code can provide the required Zovy software maintenance support. Customers must update their

software versions and support/maintenance agreements with Zovy or an authorized reseller in order to continue to receive new product updates, as well as on-going technical support, patches, code updates, and other maintenance. Support plans acquired through Zovy or an authorized reseller ensures the integrity of VA data and that the fielded software is configured properly and remains operational. Due to the proprietary nature of the Zovy software, no other software manufacturer can provide the software maintenance support, specifically the requisite product updates, technical support, patches, and other maintenance for the fielded Zovy software. The proprietary source code is also required to ensure any services provided to the software are properly configured. Failure to renew this software maintenance support will negatively impact Region 3's ability to maintain the systems that support all email archiving. If the support renewal is not in place, VA technical support administrator staff will lose access to Zovy support, such as patches and code updates. Without such support, the email archiving system will degrade and cease to function, ultimately affecting VA users' ability to open, send or respond to messages, which in turn would directly impact patient care. A number of patient care monitoring systems depend on the email system being fully functional on a 24x7 basis. Alerts generated from Medical Centers' monitoring systems send numerous messages and escalation messages to medical support staff which could overwhelm the email Exchange system if Zovy software support is not renewed. For example, alerts from refrigerators for storing blood send out automatic email alerts when a door is left open, and such a message will not be retrievable if Region 3 cannot maintain full access to Zovy support to sustain the system. OI&T also uses the Zovy system to stage (move) messages based on a threshold policy. When a user's mailbox capacity reaches its limit, Zovy software support facilitates freeing up mailbox space, which in turn, allows the alert messages to get through. This technology is being used to replace the pager alerting system because more information can be placed in a message over an analog display, and because of its auditability.

In addition Pure StorageE is the only brand name storage array that supports the Zovy infrastructure. All of the Zovy host servers are connected to the production Pure StorageE array via the fiber fabric. No other storage array is compatible and interoperable with the current infrastructure. Pure StorageE array is required to ensure the application can continue to ingestion, processing, and recover messages. Without the required augments of the array the system will not be able to process or retrieve messages and this will take the system offline to all users.

The storage is the heart of the system which ensures VA does not experience data corruption. To ensure continued operation of the Zovy system and infrastructure, the VA is using the Zovy bundled custom configured ExtraHop monitoring system software. The ExtraHop is key in the oversight, management, and alerting of the entire Zovy infrastructure. It allows VA and the Zovy system team to not only monitor, but forecast all aspects of the Zovy infrastructure. Without the ongoing monitoring of the Zovy system via the system bundled and required ExtraHop application renewal, the VA will not have access to the ongoing required application upgrades, updates, patches and VA would have no way of knowing what goes on with the components of the Zovy infrastructure. It has taken years and over an estimated 3000 man hours customizing Zovy and the ExtraHop application to where its able to support all of the Region's

needs. Failure to acquire Zovy software maintenance support bundle with both Pure StorageE, and ExtraHop brand names would put Region 3 production systems at risk because VA support staff will not have access to Zovy programmers and software technical personnel that help to ensure there is no data corruption. VA will also not have access to the forecasted flash augmentation needed to maintain the applications processing storage needs. Without this bundled renewal, VA could not retrieve messages from the system or continue to archive messages. The hardware, software, and support for the Zovy email archiving system is a connected turn-key solution that cannot be separated by brand. No other solution can work in the current infrastructure.

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 hardware, software, and support for the Zovy email archiving system among authorized resellers that are NASA SEWP V GWAC holders. In accordance with FAR 5.301 and 16.505(b)(2), the award notice for this action will be synopsized 14 days after award on the Federal Business Opportunities Page and this justification will be made publicly available. In accordance with FAR 16.505(a)(4)(iii)(A), this justification will be posted with the Request For Quotations on the NASA SEWP V GWAC website.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for the requirements described herein, the Government's technical experts will continue to perform market research to determine if there are changes in the marketplace that would enable future actions to be competed.

8. Market Research: The Government's technical personnel conducted market research in August 2016. Market research consisted of VA technical personnel reviewing software support bundled services, including hardware, software and support offered by other providers of similar email archiving software. International Business Machines (IBM), Hewlett Packard and EMC Corporation were contacted via telephone and they all reported that they do not provide a brand email archiving bundle software solution that is interoperable and compatible with VA's existing infrastructure. Other software companies cannot provide Zovy licensed product renewal, product update services, maintenance, support and proprietary code updates nor the bundled monitoring system configuration and in place all flash storage needs without going to a total new vary costly solution that would take years to migrate to. Additionally, VA network systems Subject Matter Experts regularly review industry trade publications and conduct internet research to ascertain if any other support vendors have a partnership with Zovy to provide the required email archiving software maintenance renewal and support. Based on the above market research, the Government's technical personnel have determined that only Zovy brand name software maintenance bundle, which includes the StorageE storage array and the ExtraHop monitoring tool, can meet all of VA's needs. The Contract Specialist also conducted further market research in August 2016 utilizing the NASA SEWP V GWAC Provider look-up tool and identified four authorized resellers of Zovy products and services that hold current GWACs.

9. Other Facts: None.