

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs
Office of Acquisition and Logistics
Technology Acquisition Center
23 Christopher Way
Eatontown, NJ 07724

2. Description of Action: This proposed action is for a firm-fixed-price (FFP) delivery order to be awarded under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government-wide Acquisition Contract (GWAC) for three brand name ForeScout Technologies, Inc. (ForeScout) CounterAct software licenses and associated software maintenance.

3. Description of the Supplies or Services: The proposed action is to acquire three brand name ForeScout CounterAct software licenses and associated software maintenance for the Department of Veterans Affairs (VA), Office of Information Technology, Service Delivery and Engineering, Enterprise Operations (EO), Security Division. VA's Continuous Readiness Information Security Program (CRISP) requires system security monitoring of all system logs and network connectivity to provide event and log correlation, event alerting and information security threat intelligence, and reporting of all non-government furnished equipment (GFE). The VA uses a Security Information and Event Management (SIEM) for data center systems and networks and is using combined SIEM ForeScout plug-in data feeds from the ForeScout architecture, collectively referred to as ForeScout brand name appliances and licensing, to meet these Network Access Control (NAC) requirements of non-GFE. Finally, VA requires software maintenance to begin once the three new ForeScout licenses are accepted; the required software maintenance includes 24/7 telephone and email support, software update and patches support for one year. The ForeScout software licenses shall be delivered within 30 days after receipt of order and the period of performance for the associated maintenance shall be 12 months from date of acceptance. The total estimated price of the proposed action is [REDACTED]

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) Subpart 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 market research, as described in section 8 of this document, only ForeScout or its resellers can provide the required software licenses, and software maintenance support. Brand name ForeScout software is the only software that can be integrated into EO Security's existing application and network protection system which is based on ForeScout architecture. Other brand name NAC software researched would be unable to integrate with the currently fielded EO Information Technology SIEM architecture and ForeScout-based

architecture licensing. Specifically, the current system and software communicates through a source code that is based on ForeScout proprietary data. No other software can provide this communication capability without this source code. The ForeScout brand name security architecture provides the following mandatory functionality: agent and agentless on all mobile devices managed or unmanaged; device software inventory and use. It conducts; identification of individual device suspicious activity to correlate with EO's SIEM; preemptive vulnerability scanning and virtual remediation of individual devices.; It also tracks operating and system changes; device type; configuration and user location.; Provides user role and activities; security state of devices; and whether a devices is managed or not, to understand their security status and be able to take IT Security Threat action. In addition to the VA's continuous monitoring requirement, this production IT Security architecture is needed to support the VA's Information Technology (IT) visibility to the Network initiative, which includes end point discovery and physical access control. This will ultimately provide EO a single interactive view that displays the monitored EO's network's security posture of all network elements of NAC protection. Furthermore, any other brand name software cannot accomplish this because another product cannot communicate, nor integrate with the production architecture and licensing of, the Enterprise Operations Console, and thus will not allow security visibility of IT Security threats and vulnerabilities on the network. Additionally, NAC provided by another vendor will not integrate with the existing toolset, which is based on ForeScout brand name security architecture and licensing.

6. Efforts to Obtain Competition: The Government's technical experts conducted market research, details of which are in the market research section of this document. This effort did not yield any additional sources that can meet the Government's requirements. It was determined however, that limited competition is viable among authorized resellers for the required brand name ForeScout, software licenses, and maintenance support. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D)(1), the award for this action will be synopsisized on the Federal Business Opportunities Page and the justification will be made publicly available within 14 days of award. Although the Government is limiting competition as a result of specifying brand name products and services, there are authorized resellers of these products and services on the NASA SEWP V GWAC. Limited competition for this requirement among these vendors is anticipated, though a reasonable expectation exists that the responses received will be competitive in terms of market prices and delivery. Additionally, this brand name J&A and the Request for Quote will be submitted to all four (4) NASA SEWP V GWAC groups in order to fully notify all interested parties and obtain price competition, however, since adequate competition is anticipated amongst small businesses and service disabled Veteran-owned small businesses (SDVOSB) in SEWP groups A, B SDVOSB, C and D. Recommend SEWP group C, which will result in lowest price.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for the requirements described herein, the agency will work with the program office to perform additional market research to consider and ascertain if any other sources can provide these services in the future.

8. Market Research: The Government's technical experts conducted market research by reviewing other similar NAC protection systems. This market research is an ongoing process starting in 2013 and continuously being conducted, as recently as January 2016. The other similar solutions included Trustwave, CISCO and International Business Machines (IBM). Based on reviews of these products, the Government's technical experts determined that none of these products can meet the Government's interoperability and compatibility requirements previously discussed. Additionally, none of these other products can offer the upstream forwarding of localized data into the existing EO SIEM console architecture, which is critical in producing a single view collective status of all ForeScout security related activity over the network. Review of these products is based on actual VA experience in multiple attempts to implement NAC solutions that failed to meet VA requirements. Additionally, VA networking Subject Matter Experts regularly review industry trade publications and conduct internet research to ascertain if any other brand name software is available. Based on all of these market research efforts, the Government's technical experts have determined that only ForeScout brand name security appliance and licensing can meet all of EO data center needs.

9. Other Facts: Additionally, the technical expert utilized the NASA SEWP V GWAC manufacturer lookup tool, and determined that there are resellers of the requested ForeScout product.

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.

[Redacted]

Program Manager

Date: 6-19-2016

Signature: [Redacted]

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 based on anticipated competition among authorized ForeScout resellers who are NASA SEWP GWAC holders. Pricing for products awarded on NASA SEWP V GWAC have already been determined to be fair and reasonable and further competitive pricing is anticipated from competition and discounts. Finally, price analysis shall be conducted by comparing the successful quote against the Independent Government Cost Estimate.

[Redacted]

Procuring Contracting Officer

Date: 6/23/2016

Signature [Redacted]

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

[Redacted]

Procuring Contracting Officer

Date: 6/23/2016

Signature: [Redacted]