

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-price delivery order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for the procurement of brand name VSS Optimizer Network Packet Broker Appliances, gigabit adapters and associated maintenance and technical support.
3. Description of the Supplies or Services: VA, Office of Information and Technology, Service Delivery and Engineering Enterprise Operations (EO) Security Division has a requirement to distribute network Switch Port Analyzer (SPAN) traffic to security appliances using the same firmware and user interface of existing VSS monitoring devices. The proposed action will provide VSS brand name Optimizer Network Packet Broker Appliances and gigabit adapters, warranty/maintenance and technical support. The expansion of the current EO solution is required in order to sustain EO's Information Technology Center Information Technology Security protection. The architecture expansion will meet the centralized Information Technology (IT) security standard that is currently implemented by EO. The VSS Optimizer appliance will provide real-time network visibility, monitoring and reporting in a centralized fashion for all of EO's security appliances. The VSS Optimizer appliance will deliver uninterrupted network connectivity for anytime maintenance and management requirements of the existing security appliances to eliminate any potential network outage that is normally caused by maintenance or inline device issues. VSS Optimizer appliances ensure that EO's networks stay online; allowing continuous network traffic flow at all times without network disruption during inline security tool maintenance. The EO Security group has a requirement to sustain EO's network environment in accordance with the National Institute of Standards and Technology, Federal Information Security Management Act of 2002 and Federal Risk and Authorization Management Program controls. VSS Warranty and maintenance support will allow for remedying software defects as well as enhancing and optimizing software; it includes all new fixes, patches, corrections, releases, updates, versions and upgrades to the software. VSS Optimizer appliances shall be delivered 30 days after receipt of order. The warranty/maintenance period will commence upon VA's acceptance of the VSS Optimizer appliances. The period of performance for this action shall be 12 months. 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) 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: This is a brand name justification in accordance with FAR 11.105, Items Peculiar to One Manufacturer. Based on market research, as described in section 8 of this document, it was determined that limited competition is available for the aforementioned VSS Optimizer appliances, warranty, and maintenance support. VSS Optimizer appliances are currently the only items interoperable and compatible with VA's existing IT Security architecture and network environment which is comprised of a VSS platform. VSS Monitoring Optimizer appliances are the only network packet brokers that integrate with the VSS Monitoring Master Console currently in use at EO. Any other network appliances, other than VSS, would not communicate and work with the existing infrastructure. This is due to the proprietary code and constraints that allow only VSS items to work with the current VSS platform. VA requires the existing infrastructure, management interface, interconnectivity protocols and appliance port trigger functionality for continued operational availability. VA requires support identical with the existing infrastructure, management interface, interconnectivity protocols and appliance port trigger functionality for continued operational availability. Any other brand name appliance would require an extensive redevelopment effort on the existing IT Security inline protection architecture. It would result in extensive delivery delays of two years, and duplicated cost at over \$3M to retool the current infrastructure to a different vendor. This is based on previous efforts to develop the infrastructure. VSS Monitoring Optimizer appliances fulfills all of the requirements without causing reconfiguring and retooling due to mixed configurations. Finally, no other source, other than VSS or a reseller can provide the warranty and maintenance support due to the same proprietary code and constraints discussed above.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsized within 14 days of award on the Federal Business Opportunities Page. In addition, the Justification for an Exception to Fair Opportunity shall be posted to NASA SEWP V GWAC website along with the solicitation.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to continue to perform market research to consider and ascertain if any other sources can provide similar optimizer appliance which will be compatible with the IT security architecture and network environment. Although the Government is limiting competition as a result of specifying a brand name items, there are multiple authorized resellers of the required brand name items on the NASA SEWP V GWAC. Limited competition among these vendors is anticipated.

8. Market Research: The Government's technical experts performed market research from October 2015 through December 2015 to ascertain the ability of other products to meet VA's needs. The Government's technical experts conducted reviews of online

vendor materials and site visits and other similar appliances technical specifications to ascertain if these items could meet VA's requirements. Through this process, the Government's technical experts reviewed similar solution from NetOptics, DataComSystems, Gigamon and Interface Masters. After reviewing the market research, the Government's technical experts concluded that none of these other appliances could meet VSS monitoring console and licensing interconnectivity requirements due to VSS' proprietary code and constraints. Accordingly, the Government's technical experts have determined only VSS Optimizer appliances, warranty and maintenance support meet all of the Government's requirements.

Additional market research using the NASA SEWP V Provider Lookup tool indicates that brand name VSS Optimizer appliances is offered by numerous authorized reseller who are GWAC holders.

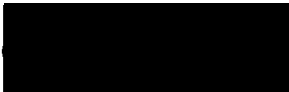
9. Other Facts: None.

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.

Date: 5-20-2016Date: 2016.05.20 10:11:35  
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Title: Technical Security Service Line Manager

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 anticipated competition among authorized resellers of VSS Optimizer appliances on NASA SEWP. Additionally, pricing for products awarded on NASA SEWP V GWAC have already been determined to be fair and reasonable and more competitive pricing may result from competition. Finally, a the successful quote will be compared with the Independent Government Cost Estimate. .

Date: 5/20/2016

Procuring Contracting Officer

Signature: 

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.

Date: 5/20/2016

Procuring Contracting Officer

Signature: 