

## 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 (DO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for the purchase of brand name Imperva software maintenance.
3. Description of Supplies or Services: VA, Office of Information and Technology, Service Delivery and Engineering, Infrastructure Operations (IO) has a requirement for brand name Imperva software maintenance. The software maintenance will consist of software upgrades and updates to include major releases, point releases, service releases and security releases of applicable software on a quarterly basis, and/or within 48 hours in cases in which a high risk vulnerability fix becomes available. The maintenance is required to ensure the software remains operational. The period of performance is 11 months and the total estimated price of the proposed action is.
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) Section 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: This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. Imperva software is employed in IO to provide system security monitoring of all system logs and network connectivity to provide event and log correlation, security event alerts and information security threat intelligence, and reporting of all malware activity, which is used for Security Information and Event Management functions for data center systems and networks. Only Imperva or a reseller can provide the necessary software maintenance because of the proprietary source code required to develop and implement software upgrades and updates. Without the aforementioned proprietary source code, no source other than Imperva and its authorized resellers can meet VA's needs. Software maintenance is required to ensure the Imperva software in operation at IO remains up-to-date. Should maintenance for the Imperva software not be acquired, there is an immediate risk to IO's network security posture. Gaps would exist in the software, thus not allowing full security visibility of database vulnerabilities on the network. Imperva software maintenance is vital to VA for continued sustainment of uninterrupted network monitoring.

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. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and the justification will be made publicly available on the Federal Business Opportunities Page within 14 days of award of the order. 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.
7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would enable future actions to be competed.
8. Market Research: Imperva is a commercially available off-the-shelf software license package currently in use in VA. When conducting market research in January 2017 the Government's technical experts reviewed similar software products to ascertain if these items could meet VA's requirements. Specifically, the Government's technical experts conducted web-based research on DB Networks, Application Security Inc. and International Business Machines. As a result of the market research, the technical experts confirmed that the source code required to issue the updates is proprietary. Therefore, Imperva or reseller is the only source capable of providing the required maintenance for Imperva software. No other firm has the capability of developing and issuing software updates and upgrades for Imperva software.

Additional market research was conducted in June 2017 by utilizing the NASA SEWP V Provider Lookup Tool. The results of the search indicate that there are 11 verified Service-Disabled Veteran-Owned Small Business GWAC holders that can provide the required Imperva brand software maintenance under North American Industry Classification System code 541519.

9. Other Facts: None.