

JUSTIFICATION  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
1701 Directors Blvd  
Austin, TX 78744
  
2. Description of Action: This proposed action is for a firm fixed-price delivery order under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government wide Acquisition Contract (GWAC).
  
3. Description of Supplies or Services: The Department of Veterans Affairs (VA), Office of Information & Technology (OI&T), Infrastructure Operations (IO), Information Technology Operations and Services (ITOPS), requires brand name Symantec Secure Socket Layer (SSL) software maintenance, subscriptions, and licenses. The software maintenance will consist of software upgrades and updates to include major releases, patch releases, service releases, and security releases of applicable software on a quarterly basis and/or within 48 hours in cases with high risk vulnerability fixes. The contractor shall provide one telephone number and/or a point of contact for VA to contact and opening maintenance service calls. The anticipated period of performance is 12 months.
  
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: This is a brand name justification in accordance with FAR 11.105, entitled "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 Symantec SSL software maintenance, subscriptions, and licenses. The current IO is based on existing Symantec SSL software used to support the Office of Asset Enterprise Management (AEM). The VA requires support compatible with the existing infrastructure protocols and functionality for continued operational availability. Only Symantec SSL or an authorized reseller can provide the necessary software updates, because of the proprietary source code required to develop and implement software upgrades and updates. No other source is capable of providing the required software maintenance that meets VA's unique functional requirements. In addition, a prior implementation of Symantec SSL software licenses already exists in IO. Replacing the existing software by purchasing new software, would require

onsite installation and configuration of the new software and re-training of all VA information technology support staff. No other license is compatible with or interoperable with the existing Symantec SSL proprietary database structures, protocols, and software application programming interfaces. The brand name Symantec SSL software maintenance, subscriptions, and licenses is the only software maintenance that meets the Government's requirements.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. Although the Government is limiting competition as a result of specifying Symantec SSL software maintenance, subscriptions, and licenses, it was determined that there are multiple value added resellers of this product that hold NASA SEWP V contracts. In accordance with FAR 5.301 and FAR 16.505(b)(2)(ii)(D), this action will be synopsisized and the justification will be made publically available on the Federal Business Opportunities Page within 14 days after award. In accordance with FAR 16.505(a)(4)(iii)(A), the justification will be posted with the Request For Quote on the NASA SEWP V website.

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

8. Market Research: Market research was conducted in May 2017. The Government's technical experts reviewed similar service providers to determine if the current Symantec SSL being utilized by the VA could be supported by other service providers. Specifically, technical experts conducted web-based research on Entrust and Rapid SSL products. As a result of the market research, the technical experts confirmed that the source code required to issue the software updates is proprietary. Therefore, Symantec SSL, Inc. is the only source capable of providing the required maintenance for Symantec SSL software maintenance, subscriptions, and licenses. No other software provider has the capability of developing and issuing software updates and fixes for Symantec SSL software. Consistent with FAR 7.102(a)(4) and in the interests of reaching service disabled veteran owned small business (SDVOSB) vendors, the VA will utilize the NASA SEWP SDVOSB targeting strategy to meet the requirement and ensure award to a verified SDVOSB vendor.

In July 2017, the contract specialist identified 69 contract holders that can provide Symantec SSL software maintenance, subscriptions, and licenses. Of these 69 resellers, 11 are SDVOSBs and 43 are small businesses that are capable of meeting the VA ITOP's needs. In addition, a Request for Information (RFI) was issued on July 17, 2017 by utilizing NASA SEWP V GWAC web portal to identify interested sources capable of providing the required maintenance and support. The RFI resulted in submission from three SDVOSB vendors.

9. Other Facts: None