

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY
Coordination Matrix



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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: 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 Government Wide Acquisition Contract (GWAC) for brand name FireEye hardware maintenance coverage.
3. Description of Supplies or Services: VA, Office of Information and Technology, Information Technology Operations and Service, Infrastructure Operations (IO) has a requirement for brand name FireEye security product hardware maintenance support for equipment currently in use at the Austin Information Technology Center (AITC), Quantico Information Technology Center (QITC), and Philadelphia Information Technology Center (PITC). FireEye is a behavioral-based malware protection system and can detect and block malware from penetrating the network. FireEye products protect networks against known and unknown advanced malware attacks utilizing Yara rules and signature-less Multi-Vector Virtual Execution engines. The required hardware maintenance includes firmware upgrades, updates to include major releases, point releases, service releases and security releases of applicable firmware on a quarterly basis, and/or within 48 hours in cases where a high risk vulnerability fix becomes available. Brand name FireEye replacement parts will be required if the hardware fails. Required support shall also include immediate problem escalation to level three Advanced Support Engineering experts, unlimited number of designated callers and secure support website/portal access for those callers. Additionally, monthly support statistic reporting, quarterly business reviews (QBR) via conference call, and repair/replacement of equipment components that restores systems to full operation and accessibility to the original redundant component configuration are required. The required hardware maintenance is necessary for IO to be able to prevent malware attacks against the VA network by ensuring the existing FireEye hardware remains operational. VA anticipates utilizing this hardware into Fiscal Year 2020, therefore continued hardware maintenance is required. The period of performance (PoP) for this action is a 12-month base year with two, 12 month option periods for continuation of hardware maintenance services. The total estimated price of the proposed action is [REDACTED] inclusive of the options.
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: Based on market research, as described in paragraph eight of this document, it was determined that limited competition is viable among authorized resellers of the required brand name FireEye hardware maintenance. Fire Eye hardware is currently deployed across the VA enterprise, and in order to ensure that VA's Information Technology (IT) infrastructure, including its various networks, remains functional, stable and more secure, maintenance of the FireEye hardware is required. No other source other than FireEye or an authorized reseller is capable of providing the required hardware maintenance. Access to the proprietary source code is needed to ensure the maintenance services are properly configured and updates can be developed and deployed into the fielded hardware that uses a proprietary coded structure. Without the code, it will be impossible to gain access to the coded structure, which is required to push the updates/upgrades. A non-FireEye service provider would not be able to provide the appropriate hardware maintenance activities because only FireEye service providers can access the proprietary data and information to acquire and implement specific revision upgrades and replacement equipment which is required to keep the existing hardware operational. In addition, FireEye brand name hardware must be used in the event repair and replacement is required. This is because no other brand name hardware will meet VA's form, fit, and function requirements. In addition, no other brand name parts can operate in the proprietary based FireEye infrastructure. Failure to procure the required maintenance will result in a threat due to potential downtime of malware protection systems. It will also result in the inability to detect and block malware from penetrating the network, impacting the operational availability of critical applications supporting delivery of healthcare and benefits to Veterans.
6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research paragraph 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 FireEye hardware maintenance.
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 fully competed.
8. Market Research: Market research was conducted in July 2017 and the Government's technical experts reviewed similar hardware products and maintenance services to ascertain if these items could meet VA's requirements. The security product and service brands reviewed included Blue Coat, Source Fire, and Trend Micro. Requirements reviewed include cyber threat protection, intrusion detection and malware protection. These products and services were researched via the internet. As a result, the technical experts confirmed that the source code required to issue the updates is proprietary to FireEye Inc. Based on these findings, the Government has determined that currently, only FireEye or its authorized

resellers are capable of accessing the proprietary data and information necessary to provide the required maintenance support for the existing hardware.

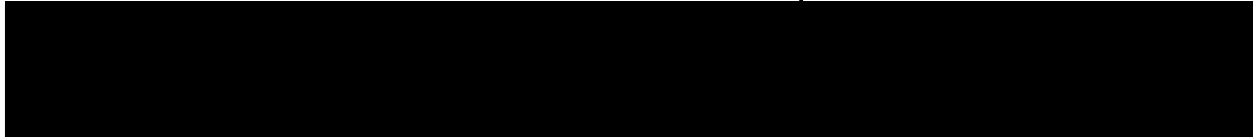
Additional market research was conducted in July 2017 using the Provider Lookup tool on the NASA SEWP website. Market research identified 16 resellers of FireEye products and services; therefore limited competition is anticipated for this acquisition.

9. Other Facts: None.

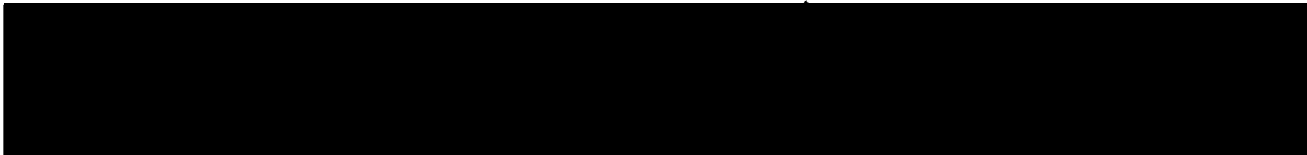
10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.



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 price competition and price discounts among authorized resellers for the required brand name FireEye hardware maintenance. Catalog 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, price analysis shall be conducted by comparing the successful quote to the Independent Cost Estimate.



12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.



Approval

In my role as Advocate for Competition, based on the foregoing justification, I hereby approve the acquisition of brand name FIREEYE hardware maintenance. This action will be issued on an other than fair opportunity basis pursuant to the authority cited in paragraph 4 above, and provided that the property and services herein described have otherwise been authorized for acquisition.

