



Justification For An Exception to Fair Opportunity  
Coordination Matrix

	8/2/2017	
	Date	<u>Concur/Non-Concur</u>
Acting Director, Procurement Service B Technology Acquisition Center (003B2A) Office of Acquisition Operations Department of Veterans Affairs		

## 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: The proposed action is for a firm-fixed price delivery order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government-Wide Acquisition Contract (GWAC), for the annual renewal of IBM subscription and support services (S&S) for IBM BixFix Inventory Perpetual Software Licenses.
3. Description of the Supplies or Services: The proposed action is to acquire brand name IBM S&S for the existing IBM BigFix Inventory perpetual software licenses transferred to the VA from the Department of Homeland Security (DHS) under the Continuous Diagnostics and Mitigation (CDM) program. This software provides OI&T the ability to correctly identify, inventory and track the use of software binaries for security purposes as well as Software Asset Management (SWAM) activities, as required by Federal Information Security Management Act (FISMA), including license management and savings based on understanding the utilization of software within VA. S&S consists of updates to the IBM BigFix Inventory Software and software binary catalog along with technical support for configuration and operational issues as they occur either through web-based knowledgebase, IBM AVP staff or directly from IBM Product Development. This proposed action is only for the renewal of S&S for existing software and does not include purchasing and additional software. VA intends to use this software for at least another five years. This support will ensure the currently fielded software remains operational. The period of performance for the proposed action will consist of a 12 month base with four 12 month option periods. The total estimated value of the proposed action is [REDACTED], inclusive of options.
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 the market research, as described in paragraph eight of this document, it was determined that limited competition is available among authorized resellers for these services. IBM BigFix software is deployed to over 503,000 VA endpoints and is fully embedded into multiple VA critical cyber security and endpoint management support processes. IBM BigFix software provides OI&T the ability to enumerate and track usage of software executable binaries (e.g. .exe, .dll, etc.) through its SWAM activities as required by FISMA. No other product provides this function in near real-time with integrity (secure hashes MD5 and SHA-256) and extensibility (provide an Application Programming Interface (API)).

IBM BigFix software is a proprietary product and therefore S&S must be provided by IBM or an authorized reseller. Access to the proprietary source code is required to provide the S&S, specifically the subscription based updates and related support, and to ensure that all the services provided are properly configured. Access to the code is also required to develop the updates and push them onto the currently fielded IBM software. Only S&S provided through IBM or an authorized reseller will have the access to the proprietary source code required to provide the S&S.

6. Efforts to Obtain Competition: Market research was conducted, 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 of IBM BigFix Inventory Perpetual Software License subscription and support services. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and this justification will be made publicly available within 14 days of award on the Federal Business Opportunities webpage. In accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation on the NASA SEWP V GWAC.

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 conduct additional market research to ascertain if there are changes in the market place that would enable future actions to be competed.

8. Market Research: The Government's technical experts conducted market research starting in 2007 through March 2017 by reviewing similar software providers to ascertain the ability of any other source, other than an IBM reseller, to provide the aforementioned S&S. The similar software and services reviewed included Accelerite Radia, Microsoft SCM, Tanium, BMC Client Management, CA Client Automation, Dell Kace, FileWave, ConnectWise LabTech IT Management Platform, Heat LANrev, Heat Desktop & Server Management (Heat DSM), JAMF Casper, Kaseya VSA, Landesk Management Suite, ManageEngine Desktop Central, Matrix42 Physical, Symantec Client Management Suite, Absolute, and AirWatch. Based on technical reviews of these products/services, the Government's technical experts determined that none of these vendors can provided the required S&S without access to the proprietary source code that only IBM or an authorized reseller can access.

9. Other Facts: Additional research was conducted in July 2017 using the NASA SEWP V GWAC Product Verification and Manufacturer Lookup tool. The search resulted in four Vendor Information Pages (VIP) Verified Service-Disabled Veteran-Owned Small Businesses (SDVOSB) resellers. Based on this market research revealing multiple NASA SEWP vendors for the IBM products, limited competition is anticipated.

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: \_\_\_\_\_

Signature: \_\_\_\_\_

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Date: 2017.08.01 08:04:20 -04'00'

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 discounts among NASA SEWP V GWAC holders who are resellers of the required brand name IBM BigFix Inventory perpetual software license subscription and support services. Catalog prices on NASA SEWP V GWAC have already been determined to be fair and reasonable. As there are 4 potential VIP Verified SDVOSBs on NASA SEWP V GWAC, price competition is anticipated. Additionally, price analysis shall be conducted by comparing the proposed prices to the Independent Government Cost Estimate.

[Redacted]

Procuring Contracting Officer

Date: \_\_\_\_\_

8/1/2017

Signature: \_\_\_\_\_

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

[Redacted]

Procuring Contracting Officer

Date: \_\_\_\_\_

8/1/2017

Signature: \_\_\_\_\_

Approval

In my role as Advocate for Competition, based on the foregoing justification, I hereby approve the acquisition of IBM subscription and support services on an other than fair opportunity basis, pursuant to the authority cited in paragraph 4 above, subject to availability of funds, and provided that the services herein described have otherwise been authorized for acquisition.

Date: 8-2-17 Signature: \_\_\_\_\_

\_\_\_\_\_  
Advocate for Competition  
Technology Acquisition Center  
Office of Acquisition Operations