

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Procurement and Logistics
Technology Acquisition Center
23 Christopher Way
Eatontown, NJ 07724

2. Description of Action: The proposed action is for a firm-fixed-price delivery order to be issued under the National Aeronautics Space Administration (NASA) Solutions for Enterprise Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for a brand name Ivanti Patch for existing Microsoft (MS) System Center software license and maintenance that supports 499,999 endpoints.

3. Description of the Supplies or Services: VA, Office of Information and Technology (OI&T), IT Operations and Services (ITOPS), Solution Delivery (SD), Endpoint Engineering, Desktop and Device Engineering (DDE) have a requirement for the renewal of a brand name Ivanti Patch for existing MS System Center software license and maintenance that supports 499,999 endpoints. Endpoints are the Microsoft Windows client computers that comprise VA's current engineered solution. Ivanti Patch is required to automate the security patching process for 499,999 endpoints. The Ivanti Patch automatically delivers 3rd party application security patches to any endpoint and automatically updates the security patch database as 3rd party patches are released by the manufacturer. There is a need for the renewal of this annual license and maintenance to continue to provide 3rd party security patching support to maintain a high level of Security across the VA. This software which must be interoperable with the current MS System Center Configuration Manager (SCCM) 2012, and any future releases will provide VA the ability to support DDE for critical VA applications. The Contractor shall also provide software maintenance which contains patch database updates, software upgrades, and Monday through Friday, five days per week, 365 days per year telephone and in person support as required for 499,999 endpoints. The effort includes two 12-month option periods to renew the licenses and maintenance.

4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is 41 U.S.C. 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) Paragraph 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 market research, as described in section 8 of this document, it has been determined that limited competition for Ivanti Patch software and maintenance is available among resellers for these products.

VA is currently utilizing Ivanti Patch software for existing MS System Center software as a plug in to the SCCM 2012. SCCM 2012 is currently configured to interoperate with the existing Ivanti Patch software for 3rd party patch management. Use of another brand name 3rd party patch management software would require the decommissioning of the current Ivanti Patch software and will result in a duplicative effort amounting to hundreds of man hours to re-engineer, re-develop, implement test and train with respect to the SCCM 2012 current configuration. This would also result in a duplicated cost of \$600K which is based on similar engineering and development efforts. The duplicative effort and duplicated cost associated with the engineering and implementation of the SCCM 3rd party patch management tool would not be recovered through competition. As this is a renewal of a software license currently used, VA requires compatible/interoperable software to continue SCCM capabilities and services as required. Only Ivanti or a reseller can provide the required license to continue support within the current SCCM current configuration. Additionally, only Ivanti and resellers of Ivanti can provide Ivanti Patch software and maintenance. Only Ivanti or a reseller can provide the necessary software upgrades/updates, documentation, and help desk support because of the propriety source code required to develop and implement software updates and properly configure all the services provided. No other source is capable of providing the required software maintenance for the Ivanti Patch software. Failure to procure this software license and associated maintenance would result in ineffective 3rd party patch processing nationwide. As such, VA DDE would not have the capability to research and maintain 3rd party patching for all 3rd party applications in use in the VA in a timely manner. VA endpoints support every VA operation's desktop functionality such as Veterans Information Systems and Technology Architecture (VistA) and other patient care functions. Based on the above, only Ivanti brand name software can meet the Government's requirements.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 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 resellers for brand name Ivanti Patch software and maintenance. In accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation to all interested NASA SEWP V GWAC holders. In accordance with FAR 5.301 and FAR 16.505(b)(2)(ii)(D), notice of award of the resulting order will be synopsisized and this justification will be made publicly available within 14 days after award on the Federal Business Opportunity website.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions of this requirement, the Government's technical experts will continue to perform market research to determine if there are any products available that will enable competition. The Government continues to monitor market trends and changes in requirements that could facilitate a more competitive environment. The Government will continue to conduct market research for this solution with a new solution that will be defined so that there will be the opportunity for expansion, interchangeability, and interoperability between and among competitor image processing providers.

8. Market Research: Market research, consisting of internet research for information about 3rd party patching solutions, was conducted in June 2017. Other solutions were reviewed from companies such as Solarwinds and Symantec. The results of the market research confirmed that only Ivanti Patch software has the capability of providing software driver solutions that are compatible and interoperable with the existing SCCM. Additional market research was conducted on the NASA SEWP V GWAC during November 2017 by utilizing the Provider lookup tool to identify potential sources that can provide the brand name software. Based on the NASA SEWP V GWAC Provider Look-up Tool, there are at least fifteen service-disabled Veteran-owned small businesses that are identified as resellers of the brand name software.

9. Other Facts: None