

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Procurement, Acquisition, and Logistics  
Technology Acquisition Center  
23 Christopher Way  
Eatontown, NJ 07724
2. Description of Action: The proposed action is for a firm-fixed price (FFP) delivery order issued under a National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government Wide Acquisition Contract (GWAC) for the software maintenance renewal for 480,000 currently fielded brand name Symantec Endpoint Encryption software licenses, and options for the purchase of additional software licenses and maintenance.
3. Description of the Supplies or Services: VA, Office of Information & Technology (OI&T), Solution Delivery (SD) has a requirement to provide Symantec Endpoint Encryption software maintenance on 480,000 existing Symantec Endpoint Encryption licenses that will deliver mandated Federal Information Processing (FIPS) 140-2 encryption protection to VA laptops and desktop computers. Software maintenance also includes Symantec technical support for troubleshooting problems, software bug fixes and patches, and installation assistance. To accommodate a potential increase in computer inventory, or endpoints, over the period of performance, VA anticipates a need to acquire approximately 90,000 additional Symantec Endpoint Encryption Software licenses over the life of the contract. Option line items to acquire increased software license and software maintenance quantities will be included in the delivery order Base and Option Periods. The period of performance shall be March 15, 2018 through March 14, 2019, plus two 12-month option periods for continuation of software maintenance.
4. Statutory Authority: The statutory authority permitting this 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 market research, as described in paragraph 8 of this document, it was determined that limited competition is viable among resellers for the required brand name software license and maintenance. VA has successfully deployed Symantec Endpoint Encryption Client Licenses since 2006 and it is now fully integrated across all echelons of the VA enterprise. Based on recent testing conducted by the Solution Delivery, Mobile Technology and Endpoint Security Engineering group, Symantec Endpoint Encryption Client License software maintenance is the only maintenance that will cover VA's currently fielded 480,000 instances of the Symantec Endpoint Encryption software. The impact of not renewing

the software maintenance will be a loss of any updates or support for the 480,000 licenses that VA currently owns. VA will no longer get updates, which would mean that devices that require a patch by Symantec will no longer be available. Without the required patching, the VA could no longer have access to support new technology and hardware releases, possess the encryption required to support login capabilities, or correct bugs that may have surfaced in the software. Symantec Endpoint Encryption Client Software is proprietary and no other source has the ability to provide the aforementioned maintenance support without access to the Symantec proprietary code. Access to this code is required to develop and push all updates and to ensure all the services provided are properly configured. As they are deployed, the software clients use code that was developed and is owned by Symantec. There are no other vendors, other than authorized resellers, that could use the same code which would allow VA to move between vendors without a complete de-install and reinstall of the client, plus a brand new infrastructure to support the new product. The software code is owned by Symantec and is only available through them, or an authorized reseller. VA contacted Symantec in January 2018 asking if the Government could procure the code to possibly enable future actions to be competed. A representative from Symantec indicated that the code is proprietary and not for sale. Using alternative products would compromise the integrity of the encryption capabilities of VA hardware and software and would expose VA to unnecessary cyber threats. In addition, the inability to maintain the software would lead to unacceptable vulnerabilities on VA networks, which could have devastating effects on VA due to the possibility of Personally Identifiable Information (PII) and Protected Health Information (PHI), or other sensitive data being compromised.

In addition, Symantec's brand name software is the only software that can continue to build upon the VA's existing Symantec based Full Disk Encryption infrastructure. Specifically, based on the proprietary nature of the Symantec software, no other brand name software would be able to integrate and communicate with the currently fielded software due to a lack of interoperability or compatibility with the currently fielded software. Due to these interoperability and compatibility issues, use of any other brand name software would result in a complete redesign and redevelopment of the existing Full Disk Encryption infrastructure which would result in extensive delivery delays and duplicated costs that would not be recovered through competition.

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. VA determined that limited competition is viable among authorized resellers for the required brand name Symantec Enterprise Encryption Licenses and Maintenance support that are current NASA SEWP V GWAC holders. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D) notice of award for this action will be synopsisized and this justification will be made publicly available on the Federal Business Opportunities Page within 14 days of award. 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 website to notify interested parties.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the Government will continue to perform market research to determine if there are any products and/or source providers available that will enable future requirements to be competed.

8. Market Research: Market research was conducted in November 2017 to ascertain the ability of any source, other than Symantec or its authorized resellers, to provide the aforementioned licenses and maintenance. Specifically the Government's technical experts researched NASA SEWP and the General Services Administration (GSA) SmartBUY Blanket Purchase Agreement (BPA) to determine if any company could provide Full Disk encryption that could meet the Government's interoperability and compatibility requirements. These products included WinMagic SecureDoc, Sophos SafeGuard and CheckPoint FDE. Although similar software and maintenance support services were offered, only Symantec and its authorized resellers were capable of providing Symantec Endpoint Encryption software licenses, and software maintenance on the proprietary Symantec Endpoint Encryption Client Software support. These other brand name items would not meet VA's interoperability and compatibility requirements due to the proprietary constraints outlined in section five of this justification.

In December 2017, the government issued a Request for Information (RFI) on NASA SEWP V GWAC to identify resellers of Symantec licenses and maintenance. The RFI yielded six qualified resellers: 4 Star Tech, BAH Fed, ITG, Sterling, Swish and V3Gate. Further market research was conducted in January 2018 utilizing the NASA SEWP V GWAC Provider Lookup Tool to determine whether the required brand name Symantec Enterprise Encryption Licenses and Maintenance support was available from current GWAC holders. The results of the search found numerous GWAC holders which are Symantec authorized resellers that could possibly meet VA's needs, including 9 Service-Disabled Veteran-Owned Small Business Authorized Resellers. Therefore, limited competition is anticipated.

9. Other Facts: None