

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: The proposed action is for a firm-fixed price delivery order issued under a National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government-Wide Acquisition Contract (GWAC) to procure a renewal of Commvault Software Premium Support for 100 existing Commvault Simpana Data Protection Foundation edition capacity backup licenses and 1550 existing Commvault virtual machine (VM) Backup and Recovery Foundation Solution Set perpetual backup licenses (one hundred fifty-five (155) 10-packs). These licenses support the Veterans Informatics and Computing Infrastructure (VINCI) backup environment at the Austin Information Technology Center (AITC) in Austin TX.
3. Description of the Supplies or Services: Commvault's Software Premium Support offering includes 24 hours a day, 7 days a week coverage. The Government requires this support in order to maintain the Veterans Informatics and Computing Infrastructure (VINCI) capability to back up research data and information for the research community and support management of data for research to improve patient care. The required period of performance is 12 months from the date of award with two 12-month option periods.
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) 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 justification, it was determined that limited competition is available for this procurement, but fair opportunity is limited by restriction to a brand name. As the VINCI environment has continued to grow, use by VA researchers has increased dramatically, and the VINCI continues to require additional storage, which in turn requires the ability to back up the data to meet demand. This acquisition is necessary to maintain the current VINCI backup environment and to continue to provide a backup solution for VINCI's researchers. The renewal of the current brand name Commvault software maintenance services is critical to continuing the full backup functionality without interruption. The VINCI backup environment is based on existing Commvault backup licenses, and the VA requires support compatible with the existing software protocols and functionality for continued operational availability. Furthermore, failure to use Commvault support would void the existing Commvault licenses. Based upon the market research, as described in paragraph eight of this document, no product other than Commvault support can ensure continued operation of the Commvault backup software that currently protects petabytes of data in the VINCI environment.

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Only Commvault or a Commvault authorized reseller can provide the necessary software maintenance plan because of the proprietary software source code required to develop and implement updates. Not purchasing directly from Commvault or its authorized resellers would result in an inability to renew the maintenance and support license, thereby removing necessary support and product updates required by the VINCI team and jeopardizing the security of the Government's data.

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 and compatibility needs. Although the Government is limiting competition as a result of specifying Commvault brand name backup software support, Commvault products and services are widely available on existing Government contract vehicles, including the NASA SEWP V GWAC. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the resulting award will be synopsisized and this Justification will be made publicly available on the Federal Business Opportunities website within 14 days of award. In addition, in accordance with FAR 16.505(a)(4)(iii)(A)(2), this Justification will be posted with the solicitation on the NASA SEWP web site.

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 competed.

8. Market Research: Market research was conducted in January 2018 by the Government's technical experts to determine the availability of software support capable of meeting the VA's requirements. Competitors including Code42, Acronis, Veeam, and CloudBerry were reviewed, however, the Government's technical experts determined that none of these products can meet the Government's interoperability and compatibility requirements. Review of these products was based on actual VA experience using the competing research software. Additionally, VA researchers regularly review industry trade publications and conduct internet research to ascertain if any other brand name software is available. This research confirmed that Commvault is the only supplier of the required Software Premium Support Coverage offering that is needed to support the existing Commvault backup software licenses in the VINCI environment. Commvault does not allow third parties to provide support for Commvault backup software; therefore, the Government cannot purchase a Commvault backup software support and maintenance plan for existing licenses in use in the VINCI environment from any vendor other than Commvault or its authorized resellers. If the Government does not renew VINCI's maintenance and support agreement with Commvault, VINCI cannot cover its existing Commvault backup solution under any maintenance and support plan, and the petabytes of data currently being backed up via Commvault licenses in the VINCI environment will be at risk. As a result of the market research, it was discovered that no other software was found to be compatible and interoperable with the existing VA software. The Government technical experts determined that other products would create considerable additional time and expense in the areas of compatibility, delivery of requirements, training and ongoing support.

The contract specialist (CS) conducted market research in August 2017 by using the

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NASA SEWP V GWAC Provider Lookup and Market Research tools to determine what vendors are capable of providing the full requirement. Based on this market research, the CS found multiple service-disabled Veteran-owned small-business vendors capable of meeting the full requirement.

9. Other Facts: None.