

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Procurement, Acquisition, and Logistics
Technology Acquisition Center
1701 Directors Blvd Ste. 600
Austin, TX 78744

2. Description of Action: This 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 Ivanti (previously owned by Lumension) Device Control software maintenance support.

3. Description of Supplies or Services: The proposed action supports VA, Office of Information and Technology (OI&T) to acquire continued maintenance support for 500,000 existing Ivanti (Lumension) Device Control software licenses in order to install security monitoring in all VA personal computers (PC) and control the transfer of data to removable media attached to VA clients. Ivanti software provides the functionality required to secure data and secure the transfer of data between electronic endpoint devices and external devices or media. The software maintenance entails enhancing and optimizing software, as well as remedying defects; it includes all new fixes, patches, corrections, releases, updates, versions and upgrades to the software. Technical support refers to the range of services providing 24x7 assistance for the software via the telephone, email, a website or otherwise. This proposed action will not renew or procure any software. The period of performance is October 1, 2018 to September 30, 2019 with three, one-year option periods. The total estimated value of this proposed action, inclusive of the option periods, is [REDACTED]

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 extensive market research, as described in paragraph 8 of this document, it was determined that limited competition is viable for this software maintenance support. Any source must have access to Ivanti's proprietary code in order to provide the maintenance support. Access to this code is required to ensure all updates and security patches are properly developed and deployed to the currently fielded software. Access to this code is also needed to ensure all the services provided are properly configured. The current OI&T infrastructure is based on existing Ivanti software. The VA requires

software to be interoperable and compatible with the existing infrastructure functionality for continued operational availability. Ivanti (Lumension) software is the only software that provides all of the following required functional capabilities: (1) enables administrators to quickly establish and enforce device control policies by rapidly identifying devices and then assigning permissions at a high level or all the way down to specific application per users, user groups or even a particular user; (2) prevents copying of private information and electronic Protected Health Information to all unauthorized removable media; (3) non-intrusive to the existing computing environment and will not lock down communication channels or slow system performance; and (4) allows detailed configuration of color schemes and fonts necessary to meet Section 508 regulations for the sight impaired. If VA were to switch to another product, then clients and servers would have to be removed and replaced within the entire VA, with no control over universal serial bus (USB) access. As a result, anyone could easily plug in a device and potentially install a malicious application virus. This would be a serious information security issue because much of the information VA has on file is medical records and Personally Identifiable Information (PII), therefore VA needs to do whatever is necessary to comply not only with Health Insurance Portability & Accountability Act (HIPAA) to keep data safe but to protect Veteran data. The maintenance of the existing software is critical. To maintain the existing Ivanti Device Control software, a source must have access to its proprietary source code to provide the required support, configuration, and software updates. The impact if Ivanti is not used would be future upgrades will not be allowed and support will be lost. End of life of the current Ivanti version will occur which could weaken the data security posture of the VA. No other source has the capability of developing and issuing software updates due to the proprietary nature of the source code. Therefore, only Ivanti or its authorized resellers, are capable of providing the required software maintenance that meets the Government's requirement.

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. However, it was determined that limited competition is viable among authorized resellers for this brand name software maintenance. In accordance with FAR 5.301 and 16.505(b)(2)(ii)D), this action will be synopsisized and the justification will be made publicly available on the Federal Business Opportunities within 14 days of award of the order. The justification will also be posted with the solicitation on the NASA SEWP V GWAC website in accordance with FAR 16.505(a)(4)(iii)(A)(1).

7. Actions to Increase Competition: The Government will continue to conduct 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 during May 2018 by reviewing other products and services that are similar to Ivanti Device Control software, to include McAfee Device Control and BMC

software to ascertain if these items could meet VA's requirements. Based on this market research, it was determined that no other source is capable of providing the required software maintenance that meet's VA's requirements without access to the Ivanti proprietary code. The market research confirmed that the source code required to issue the updates is proprietary, and therefore, only Ivanti or its authorized resellers have the tools and can access the source code and other proprietary data to provide the necessary software maintenance support services.

The Contract Specialist(CS) conducted market research in July 2018 by using the NASA SEWP V GWAC market research tool to determine what vendors are capable of meeting the requirement. Based on this market research, the CS found resellers of Ivanti software maintenance capable of meeting the full requirement. Therefore, limited competition is anticipated.

9. Other Facts: N/A

