

JUSTIFICATION AND APPROVAL  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
260 Industrial Way West  
Eatontown, New Jersey 07724
2. Description of Action: The proposed action is for a firm fixed price (FFP) task order (TO) to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC) for annual software maintenance and support services for existing GigaTrust software licenses. The period of performance will consist of a 12-month base period and three (3) 12-month option periods.
3. Description of Supplies or Services: The GigaTrust software was previously purchased through a contract for an agency-wide email security solution involving the use of Government-owned software, Microsoft's Rights Management Services (RMS). RMS provides protection of sensitive information in documents and email through the creation and enforcement of persistent policies that live with the information, no matter where it goes. The Contractor shall provide software maintenance and support services for GigaTrust (BlackBerry and External User Provisioning such as laptops/workstations) software that is currently owned by VA at the VA Medical Center located at 5th Ave, Hines Illinois (IL) and Roosevelt Road, Hines IL. The software maintenance and support services will include bug/defect fixes via patches and updates in function and technology; help desk support; and support services to diagnose errors and assist in the design of patches, bug fixes and updates, as well as general technical support five days a week, 365 days a year. The total estimated price of the proposed action is \$1,912,160.58 comprised of \$443,570.93 for the base year and \$1,468,589.65 for the option periods.
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is 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 the market research, as described in paragraph eight of this document, the Government has determined that limited competition is available for this proposed action. GigaTrust software provides an agency-wide email security solution involving the use of Government-owned software; Microsoft's RMS. The GigaTrust client-server architecture extends RMS functionality to BlackBerry users and external users beyond the VA Gateways. This software operates within the MS Exchange and RMS environment. Currently GigaTrust software supports 20,000 BlackBerry Client licenses, 30 BlackBerry Enterprise Server licenses, and



50,000 External User Provisioning licenses. The software maintenance and support services are due to expire on September 30, 2012. It is imperative to the operation of VA MS Exchange and RMS environment that the GigaTrust software tools receive software maintenance and support services so that appropriate manufacturer updates and support can be received for these tools. GigaTrust software licenses were previously procured under several NASA SEWP IV GWAC orders. GigaTrust maintains the design and delivery of software support and upgrades to its proprietary application which VA has purchased for enterprise support. No other software maintenance and support services available can meet the Government's requirement; nor are there any other software maintenance and support services that can provide updates, patches and new versions of GigaTrust software, other than GigaTrust or its authorized resellers. GigaTrust holds the patents and proprietary source code to its software application and is the only provider of this specific technology which gives VA the ability to open and compose Rights Management protected emails on a blackberry device, securing the blackberry mobile community with RMS integration capabilities and security. Any source other than a reseller must have access to the patents and proprietary source code to meet VA's needs. These patents and proprietary source code allow a source access to the fundamental elements of the software that are essential in providing software maintenance and support services. Therefore, only the GigaTrust brand will satisfy the Government's requirements as this software provides VA with an extended means of email and content security.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Limited competition is anticipated for the required software maintenance and support. Although the Government is limiting competition as a result of specifying a unique and highly specialized service, there are authorized resellers of these services on the NASA SEWP IV GWAC. Additionally, this Justification and Approval (J&A) and the Request for Quote (RFQ) will be submitted to all four NASA SEWP IV GWAC Groups in order to fully notify all interested parties and obtain price competition. Furthermore, in accordance with FAR 5.3, the task order award will be synopsisized on the Federal Business Opportunities (FBO) Page. In addition, this J&A will be made publicly available on the FBO Page.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to perform additional market research so that other solutions can be considered.

8. Market Research: Market research was conducted in June 2012 utilizing the NASA SEWP GWAC's website by issuing a Request for Information (RFI) to ascertain if any other source other than a reseller could provide the required software maintenance and support. The RFI did not specify that responses must only be received by resellers. The results of the RFI were responses from three (3) authorized resellers of GigaTrust brand name items who are current contract holders. Responses were received from one reseller in Group A (Value Added Resellers and Computer System Original Equipment Manufacturer (OEM)); one in Group B (Service-Disabled Veteran-Owned small Business (SDVOSB)); one in Group C (Small Businesses); and none in Group D

(Value Added Resellers). Furthermore, although no alternate solution was requested, it is at the vendor's discretion to provide other possible solutions; however, no other brand name was proposed in response to the RFI. Based on the responses to the RFI, and in order to promote the use of small businesses to the maximum extent practicable, the Request for Quotation (RFQ) will be submitted to contract holders in Groups B and C of the NASA SEWP IV GWAC contract.

9. Other Facts: None

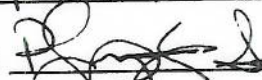


10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

Prince K. Lamptey

Date: September 11, 2012

IT Specialist

Signature: 

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 the fact that contracts awarded on NASA SEWP IV GWAC have already been determined to be fair and reasonable. As there are three potential vendors on NASA SEWP IV GWAC, price competition is anticipated.

Anne Marie Vasconcelos

Date: 9-13-2012

Procuring Contracting Officer

Signature: Anne Marie Vasconcelos

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

Anne Marie Vasconcelos

Date: 9-13-2012

Procuring Contracting Officer

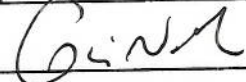
Signature: Anne Marie Vasconcelos

13. Legal Sufficiency Certification: I have reviewed this justification and find it adequate to support an exception to fair opportunity and deem it legally sufficient.

Colin Nash

Date: 9/14/2012

Legal Counsel

Signature: 

## Approval

In my role as Contracting Activity Competition Advocate, based on the foregoing justification, I hereby approve a firm-fixed-price task order issued under the National Aeronautics and Space Administration Solutions for Enterprise-Wide Procurement IV Government Wide Acquisition Contract for annual software maintenance and support of existing GigaTrust software licenses on an other than fair opportunity basis pursuant to the authority of Section 41 U.S.C. 4106(c), subject to availability of funds, and provided that the services herein described have otherwise been authorized for acquisition.

Date: 9/14/12


Signature:

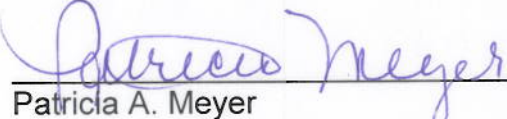



Iris B. Cooper

Head of the Contracting Activity

Justification For An Exception To Fair Opportunity  
Coordination Matrix

 9/13/12  
\_\_\_\_\_  
Date Concur/Non-Concur  
Ronald J. Bakay  
Competition Manager  
Technology Acquisition Center (003B2A)  
Office of Acquisition Operations  
Department of Veterans Affairs

 9/13/12  
\_\_\_\_\_  
Date Concur/Non-Concur  
Patricia A. Meyer  
Director, Procurement Service A  
Technology Acquisition Center (003B2A)  
Office of Acquisition Operations  
Department of Veterans Affairs

 9-14-2012  
\_\_\_\_\_  
Date Concur/Non-Concur  
Michele R. Foster  
Deputy Associate Executive Director  
Technology Acquisition Center (003B2A)  
Office of Acquisition Operations  
Department of Veterans Affairs

\_\_\_\_\_  
Date Concur/Non-Concur  
Wendy J. McCutcheon  
Associate Executive Director  
Technology Acquisition Center (003B2A)  
Office of Acquisition Operations  
Department of Veterans Affairs

## ROUTING AND TRANSMITTAL SLIP

Date

September 12, 2012

TO: (Name, office symbol, room number,  
building, Agency/Post)

Initials

Date

1. Anne Marie Vasconcelos, Contracting Officer A2

AMW

9/13/2012

2. Judith A. Vogt, Small Business Representative

JAV

9/14/2012

3. Patricia Meyer, Director, Procurement Services A

PM

9/13/12

4. Michele R. Foster, Deputy Associate Executive Director

MF

9.14.2012

5. Wendy J. McCutcheon, Associate Executive Director

WJM

9/14/12

<input type="checkbox"/> Action	<input type="checkbox"/> File	<input type="checkbox"/> Note and Return
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> For Clearance	<input type="checkbox"/> Per Conversation
<input type="checkbox"/> As Requested	<input type="checkbox"/> For Correction	<input type="checkbox"/> Prepare Reply
<input type="checkbox"/> Circulate	<input type="checkbox"/> For Your Information	<input type="checkbox"/> See Me
<input type="checkbox"/> Comment	<input type="checkbox"/> Investigate	<input checked="" type="checkbox"/> Signature
<input type="checkbox"/> Coordination	<input type="checkbox"/> Justify	<input type="checkbox"/>

REMARKS

Concurrence and approval of the Acquisition Plan for TAC-13-05721 - GigaTrust Software Maintenance & Support. J + A 9 2268 also for review & approval

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Angel Santos

Contract Specilaist

TAC

Room No. - Bldg.

TAC East

Phone No.

732.440.9647