

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity: Department of Veterans Affairs
Office of Acquisition and Logistics
Technology Acquisition Center
1701 Directors Blvd., Suite 600
Austin, TX 78744
2. Description of Action: This proposed action is to include brand name firm-fixed-price delivery/task order to be issued against the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC).
3. Description of the Supplies or Services: The VA, Office of Information and Technology, Information Technology Operations and Services, Infrastructure Operations (IO) – Security Management requires Imperva software licenses, and services that include technical support services, onsite training, and software maintenance. The software maintenance and the on site services are required to support existing VA-owned hardware, for which the software is inherent to the hardware. The period of performance will be September 27, 2019 through August 31, 2020. The total estimated price of the proposed action is [REDACTED].
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: More than one awardee is capable of providing the supplies or services required, but fair opportunity is limited by restriction to brand name. Based on extensive market research, as described in section 8 of this justification, it was determined that limited competition is viable among authorized resellers for the brand name Imperva software maintenance. The current IO infrastructure is based on existing Imperva software and the VA requires support compatible with the existing infrastructure, protocols, and functionality for continued operational availability. The support will provide all current and future patches, upgrades, security vulnerability remediation, diagnosis and troubleshooting support, and configuration guidance to systems of Imperva. Only Imperva or an authorized reseller can provide the necessary software support and hardware maintenance because of the proprietary source code required to develop and implement software upgrades, firmware and updates. Without the aforementioned proprietary source code, no source other than Imperva and its authorized resellers can meet VA’s needs. System support is required to ensure the Imperva appliances in operation at IO remain up-to-date. Should support for the Imperva systems not be acquired, there is an immediate risk to IO’s network security posture. Gaps would exist within the software, thus not allowing full security visibility of the database and web application vulnerabilities on the network.

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, that limited competition is viable among resellers for Imperva brand name application and database protection hardware, software, and maintenance on the NASA SEWP V GWAC. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the award resulting from this action will be synopsisized and justification will be made publicly available on the Federal Business Opportunities Page within 14 days of award.

7. Actions to Increase Competition: The Government will continually conduct market research by surveying the marketplace to determine if there are any other application and database protection solutions that can meet VA's needs.

8. Market Research: Imperva provides commercially available off-the-shelf appliances, licenses, software support that are currently in use in VA. When conducting market research in April of 2019, the Government's technical experts reviewed similar software and hardware products including IBM, AMP Tech Solutions and AppSecurity to ascertain if these items could meet VA's requirements. Although other vendors possess similar capabilities to provide the required support and maintenance, only Imperva or an authorized reseller has access to the proprietary source code, existing proprietary protocols, and software application programming interfaces specific to the support and maintenance required for the particular appliances. As a result of the market research the technical experts confirmed the support and maintenance required can only be procured through Imperva or an authorized reseller. No other firm has the capability of providing the support or maintenance coverage for the Imperva appliances necessary to support existing IO requirements. Additionally, none of the other products could meet VA's interoperability and compatibility requirements as outlined in section 5 of this justification.

The Contract Specialist (CS) conducted market research in July 2019 by using the SEWP market research tools. Based on this market research, the CS found resellers under SEWP capable of meeting the full requirement.

9. Other Facts: N/A