

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, NJ 07724
2. Description of Action: The proposed action is for a firm-fixed price task order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC) to provide Symantec Backup Exec 2012 and Symantec Netbackup software licenses. The period of performance for this effort will be 12 months from date of award.
3. Description of the Supplies or Services: The proposed action is to provide Symantec backup software expansion modules consisting of 21 Symantec Backup Exec 2012 software licenses and 242 Symantec Netbackup software licenses for the Office of Information and Technology (OIT), Allocation Resource Center (ARC) in Braintree, Massachusetts. This software is needed to accommodate virtual server growth and to optimize space consumption while maintaining adequate backups. Symantec backup software suites are integrated product suites currently being utilized at ARC to protect virtual and physical environments, and simplify both back up and disaster recovery capabilities. The total estimated value of this proposed action is [REDACTED]
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 eight of this document, it was determined that limited competition is available among authorized resellers for this brand name software. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. Symantec software is the only software that can meet all of the Government's requirements. The ARC currently utilizes Symantec Backup Exec 2012 and Symantec Netbackup software suites to accomplish the required computer system backup operations. Due to existing copyright restrictions and a lack of cross manufacturer communication agreements and/or collaborations, only Symantec brand name software can be utilized to expand the existing installations to ensure interoperability and compatibility in operations. If the backup systems are not able to interface with existing VA systems, then there is a high risk of downtime which will result in mission requirements not being met. The existing Symantec Netbackup Suite installation consists of Netbackup Enterprise Server, Client application and database pack, library based tape option, and shared storage option. The existing Symantec Backup Exec suite installation consists of Backup Exec Server, Agent for Sharepoint, Agent for SQL Server, Agent for Windows Systems, Option for Desktop and Laptop,

Symantec Backup Licenses

and Advanced Open File Option. The inclusion of another software suite would preclude IT personnel from integrating all workstation clients into the same database. This would reduce compliance with backup and security requirements while increasing costs. The result of converting to another manufacturer's software would require a total de-installation of the existing software suites after all existing back-ups and long term archives have been converted to the new software suite. Acquiring Symantec software will provide effective and efficient exchange between servers and ensure interoperability and compatibility with the current infrastructure.

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. It was determined, however, that limited competition is viable among authorized resellers for this brand name item. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized at award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.

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: OIT ARC's technical team performed market research in June 2013 by reviewing other similar backup products from manufacturers such as HP, EMC, CommVault, and CA Technologies. This research found that acquiring additional Symantec backup software is in the best interest of OIT ARC due to the environment currently implemented, the costs associated with a complete replacement of the backup software currently in use in conjunction with the costs associated with the process to remove the existing software agents and reinstall a new version. The costs to convert the existing suites to another manufacturer are prohibitive in that the \$80,000 that has already been invested cannot be transferred or reimbursed and an effort in excess of 120 personnel hours, 2000 processing hours, and 2 terabytes of hard disk storage would be required to convert any existing backups and long term archives from the existing software suites to any new software suite.

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.

Keith Hoffman

Date: 8/9/13

Chief Information Officer

Signature: Keith A. Hoffman
191055

Digitally signed by Keith A. Hoffman 191055
DN: cn=Keith A. Hoffman, o=Symantec, ou=People,
c=US, email=keith.hoffman@symantec.com,
date=2013.08.09 15:11:25 -0400

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. Contracts awarded on NASA SEWP IV GWAC have already been determined to be fair and reasonable. As there are several potential vendors on the NASA SEWP IV GWAC, price competition is anticipated. Finally, the successful quote will be compared to the Independent Government Cost Estimate.

Summer Spalliero

Date: 8/13/2013

Procuring Contracting Officer

Signature: Summer Spalliero

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$650,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

Summer Spalliero

Date: 8/13/2013

Procuring Contracting Officer

Signature: Summer Spalliero