

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Procurement, Acquisition, and Logistics
Technology Acquisition Center
23 Christopher Way
Eatontown, NJ 07724
2. Description of Action: This proposed action is for a Firm-Fixed-Price Delivery Order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government Wide Acquisition Contract (GWAC) for brand name TrustWave Holding Inc. (TrustWave) DbProtect Vulnerability Management software maintenance and technical support.
3. Description of Supplies or Services: VA Office of Information and Technology (OIT), Cyber Security Operations Center (CSOC) has a requirement for brand name TrustWave software maintenance and technical support for 11,000 existing TrustWave DbProtect Vulnerability Management perpetual software licenses that are currently implemented as part of VA's database threat protection platform and is anticipated to remain in use for the foreseeable future. The VA currently has no plans of decommissioning the TrustWave DbProtect software. The VA's TrustWave DbProtect licenses are perpetual in nature, however the maintenance of these licenses is term. Consequently, the licenses will be maintained in 12-month instances. The Federal Information Security Management Act of 2002, National Institute of Standards and Technology 800-53 (CA-1, CA-2, and RA-5), VA Directive 6500, VA Handbook 6500, VA Handbook 6517, and OIS Assessment and Authorization Standard Operating Procedures mandate the VA audit database security across the VA Enterprise. TrustWave DbProtect software is a database security, risk, and compliance platform and its functions include management framework, security controls, controls monitoring, and governance which make it a comprehensive database solution. VA currently uses TrustWave DbProtect Vulnerability Management software to provide real-time/overall risk assessment across all VA database management systems; a console with an enterprise vulnerability management view; centralized report management; enterprise scalability for multiple users; a centralized repository; load balancing; credentialed management; centralized scan and user role-based access management. The required software maintenance shall provide vulnerability updates, monthly updates to TrustWave DbProtect's Shatter Knowledge database, and support during normal business hours to ensure the software continues to function as intended. The proposed technical support will provide access to designated TrustWave points of contact who possess expert knowledge of TrustWave technologies, as well as have required access to Trustwave's proprietary knowledge and development resources to customize software interfaces, train VA full time employee staff, create scripts so that the DbProtect installation can communicate with the custom applications in use by the VA, as well as provide general product consultation. This action is for

software maintenance and technical support only. No software will be procured as a result of this action. Performance shall be a 12-month base period with three 12-month option periods.

4. Statutory Authority: Pursuant to Federal Acquisition Regulation (FAR) 16.505(a)(4), the following brand name requirement is being justified and approved as an exception to fair opportunity under the statutory authority of Section 41 U.S.C. 4106(c)(2) as implemented by FAR 16.505(b)(2)(i)(B), titled "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 Section 8 of this document, VA has determined that limited competition is available for this action among authorized resellers of TrustWave software maintenance and technical support. VA's existing database threat protection platform consists of an unlimited license for TrustWave's AppDetectivePRO (ADP) vulnerability assessment software and 11,000 TrustWave DbProtect software licenses. The VA CSOC and its Information Technology (IT) security scanning infrastructures are based upon this existing TrustWave proprietary software and VA CSOC requires software maintenance and technical support that are compatible and interoperable with VA's existing TrustWave software licenses and infrastructure. No other brand name software maintenance and technical support is interoperable with the existing TrustWave database structures and software application programming interfaces used by the VA's existing ADP and DbProtect vulnerability management software, due to proprietary constraints of the TrustWave software solution currently in use by VA. Specifically, the proprietary constraints within the source code of the software preclude the use of any other brand name software maintenance and technical support solution, as any such other solution would not be able to communicate with the existing TrustWave licenses to provide the necessary and critically required updates, patches, and bug fixes. The use of any other brand name product would result in significant interoperability and compatibility issues due to the proprietary TrustWave DbProtect source code currently operating in the current VA database scanning platform. In addition, the use of any other product would not permit the seamless integration of years of vulnerability data already collected by CSOC and its IT security partners in support of database security audits across the enterprise, use of any other solution will therefore compromise the integrity of the database scan results. Any alternative Original Equipment Manufacturer (OEM) solution would necessitate the total reconstruction of VA's database vulnerability reporting platform and infrastructure, including reconstructing data feeds, building new inventories of databases enterprise-wide, as well as including replacing VA's existing 11,000 TrustWave DbProtect licenses and ADP licenses, which the Government's technical experts estimate would take between three to five years to complete and will cost \$40 million to complete based on prior acquisition history and implementation of the current solution. Specifically, a new solution would require requirements analysis and replacement of the existing hardware infrastructure and

software licenses, including installation, configuration, testing and deployment across the enterprise. In addition, various applications that currently interface with the software, including the Nessus Enterprise Web Tool which monitors password vulnerabilities, would also have to be re-coded to work with another OEM's software solution. Use of any other brand name software would result in extensive delivery days and duplicative costs that would not be expected to be recovered through competition. Failure to procure the required brand name TrustWave DbProtect software maintenance and technical support will cause insurmountable technical and operational compatibility and interoperability issues, as well as cause VA to be out of compliance with the regulations, guidance, and mandates stated above. In addition, the failure to procure the required brand name TrustWave DbProtect software and maintenance would incur an environment of security and information risk. As such, this would create vulnerabilities to Veterans' information, to include identity theft and inadvertent PHI and PII exposure.

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, the undersigned VA technical representative determined that limited competition is available among authorized resellers for brand name TrustWave DbProtect software maintenance and technical support. In accordance with FAR 16.505(a)(4)(iii)(A)(1), this justification will be provided with the solicitation to all appropriate NASA SEWP V GWAC holders. Furthermore, in accordance with FAR 5.301, 16.505(b)(2)(ii)(D), and 16.505(a)(4)(iii), the award notice for this action will be synopsisized on the Contracting Opportunities website and this justification will be made publicly available within 14 days of award.
7. Actions to Increase Competition: The Government will continue to conduct market research to learn if there are changes in the marketplace that would allow other branded products to work with the VA's existing TrustWave infrastructure, thus enabling future actions to be competed.
8. Market Research: The Government's technical experts conducted web-based market research in March 2022 by reviewing similar database scanning software platforms from multiple OEMs, including Imperva, Fortinet, McAfee, and BeyondTrust to ascertain if other brands could meet VA's requirements. VA also researched Gartner to gather information about numerous scanning software OEMs. While these other OEMs offer database scanning software, and software maintenance and technical support, none of them are capable of meeting VA's requirements, as outlined in Section 5 of this justification because only TrustWave and its authorized resellers have access to TrustWave's proprietary source code that VA's current database threat protection platform uses to communicate through. The conducted market research confirmed that the TrustWave solution leverages proprietary protocols and algorithms for software technical operations to which no other OEM has access. Additional market research was also conducted in March and July 2022 by contacting TrustWave directly to understand the currently used

product and ask if TrustWave would be willing to sell the data rights to the TrustWave DbProtect software solution to the Government. TrustWave responded that they do not consider it to be in the best interest of the company to sell the Data Rights for DbProtect to the VA at this time. TrustWave's proprietary technology would not allow any other vendor to provide the required software maintenance and technical support for TrustWave products. The results of the additional market research were received and stored in Adobe pdf format. Furthermore, the Government's technical experts regularly conduct internet searches to ascertain if any other brand name software maintenance and technical support is available and compatible with VA's existing TrustWave software licenses and infrastructure. Based on this market research, the Government's technical experts determined that only brand name TrustWave DbProtect software maintenance and technical support can meet the full requirement. In addition, the Government's technical experts determined that only TrustWave and its authorized resellers are able to provide the software maintenance and technical support for VA's implemented database threat protection platform and avoid the duplication of time and cost as outlined in Section 5 of this justification.

Additionally, the Contract Specialist (CS) conducted market research in May 2022 using the NASA SEWP V GWAC market research and provider lookup tools to determine what vendors are capable of providing the full requirement. Based on this market research, the CS identified several Service-Disabled Veteran-Owned Small Businesses that are TrustWave authorized resellers able to provide the required brand name products to meet the Government's needs for this effort.

9. Other Facts: N/A.

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.

[REDACTED]

11. Fair and Reasonable Price Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable because NASA SEWP V GWAC prices have previously been determined to be fair and reasonable. Additionally, price competition is expected among authorized resellers for this action. Price analysis may be performed in accordance with FAR 15.404-1(b).

[REDACTED]

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

[REDACTED]

Approval

In my role as procuring activity Advocate for Competition, based on the foregoing justification, I hereby approve the acquisition of brand name DbProtect Vulnerability Management software maintenance and technical support on an other than fair opportunity basis pursuant to the authority cited in Section 4 above, subject to availability of funds and provided that the services herein described have otherwise been authorized for acquisition.

[REDACTED]