

**Justification for Exception to Fair Opportunity
(Exceeding the SAT pursuant to FAR 16.505(b)(2)(ii)(B)
Or Brand Name FAR 16.505(a)(4)(i))**

1. Agency and Contracting Activity.

The Department of Homeland Security (DHS), the U.S. Coast Guard (USCG) Command, Control, Communications, Computers, Cyber, and Intelligence Service Center (C5ISC), and C5I Contracting and Procurement, Alexandria (CG-9141) located at 7323 Telegraph Road Alexandria, VA 20598-7320 prepared this justification for an exception to fair opportunity.

2. Nature and/or description of the action being approved.

The USCG intends to award a task order (TO) for brand-name Commvault software maintenance support, pursuant to FAR 16.505 (a)(4)(i), restricting items peculiar to one manufacturer. This brand name requirement will result in a Firm-Fixed Price (FFP) TO issued amongst authorized Commvault resellers and service providers on National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V contract vehicle.

3. Description of Supplies/Services.

The USCG requires Commvault software maintenance support to support the existing infrastructure in order to maintain compliance for daily backup data thresholds. This requirement includes the annual renewal of maintenance support for the Commvault software. The maintenance support enables the USCG to receive technical support, security patch updates, and software release updates. The Commvault software is currently installed on C5ISC/USCG managed systems. The software maintenance is necessary to ensure all C5ISC managed systems can continue to meet and sustain security requirements on the network and cloud computing for the CG network.

The total estimated price for this requirement is [REDACTED] using FY23 funding as detailed below.

Item / Service Description	Part Number	Quantity	Estimated Unit Price	Total Estimated Fixed Price
CommVault Enterprise Support Program Maintenance; POP: 01/07/2023 - 01/06/2024	S-PREM-23-RNWL	1	[REDACTED]	[REDACTED]
CommVault Complete Backup & Recovery - Per Front-End TB - Perpetual – Maintenance – POP: 01/07/2023 - 01/06/2024	ENTSUPPMAIN-1	563	[REDACTED]	[REDACTED]
Estimated Total Firm Fixed Price:				[REDACTED]

**4. Identify the exception to fair opportunity and supporting rationale.
Justification for Brand Name Exception to Fair Opportunity -**

The statutory authority permitting exception to fair opportunity is FAR 16.505(b)(2)(i)(B). 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. This requirement will be procuring items peculiar to one manufacturer on a brand name basis in accordance with FAR 16.505(a)(4).

The USCG needs to purchase software maintenance support renewal for software that is currently used by the USCG C5ISC. The Commvault software is proprietary and is currently utilized throughout the Coast Guard backup architecture in its current configuration to maintain the required functionality of the following requirements per the required DISA STIG and USCG Cybersecurity Manual 5500.13E. The requirement for Commvault maintenance support is necessary in order to maintain compliance for daily backup data thresholds, keep the software up to date, receive security patches as they are released, and maintain full software capabilities. To ensure maintenance support is received only Commvault products can be utilized without resulting in incompatibility and interoperability issues. As such, no other brand can provide these proprietary software updates. The support described in this action must be provided by an authorized reseller and maintenance service provider. Additionally, the support described in this action must be registered with the manufacturer.

Due to the Commvault proprietary requirements by the USCG, the contracting strategy that will provide the Government the best value is competing the brand-name Commvault licenses and renewal software maintenance using NASA SEWP V contracting vehicle.

5. Determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.

The Contracting Officer determines that the anticipated cost will be fair and reasonable based on adequate price competition between two or more responsible offerors as there are multiple authorized Commvault resellers on NASA SEWP V. The Contracting Officer will also perform a price analysis to determine that the price at the time of award represents the overall best value for the Government and is fair and reasonable.

6. A Statement of the Actions, if Any, the Agency May Take to Remove or Overcome Any Barriers to Competition Before Any Subsequent Acquisition for Supplies or Services Required.

Currently, Commvault equipment is proprietary and is utilized on the USCG network. The availability of multiple resellers of Commvault products ensures competition. The USCG is constantly monitoring the marketplace and evaluating the USCG backup systems to discover viable alternatives to Commvault. Should viable alternatives be discovered and resources made available, the requirement for a new USCG backup system would be competed openly.

7. Contracting Officer's Certification.

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

[Redacted Signature]

[Redacted Name]
Contracting Officer

Date

8. Technical/Requirements Personnel Certification.

I certify that this requirement meets the Government's minimum need and that the supporting data, which forms a basis for the justification, is accurate and complete.

[Redacted Signature]

[Redacted Name]
Technical Representative/COR

Date

APPROVAL:

[Redacted Signature]

[Redacted Name]
Contracting Officer

Date