

**JUSTIFICATION FOR EXCEPTION TO FAIR OPPORTUNITY
BRAND NAME FAR 16.505(a)(4)(i)**

1. Agency and Contracting Activity.

The Department of Homeland Security (DHS), the United States Coast Guard (USCG), Command, Control, Communications, Computers, Cyber and Intelligence Service Center (C5ISC), C5I Contracting and Procurement, Alexandria (CG-9141) located at 7323 Telegraph Road, Alexandria, VA 20598 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 delivery order (DO) under the brand name exception to fair opportunity for brand name McAfee Software Maintenance and Licenses Support Services pursuant to FAR 16.505(a)(4)(i), restricting items peculiar to one manufacturer. This will be a firm-fixed price (FFP) DO, competed among authorized McAfee resellers via the FirstSource II (FS II), which is a DHS Enterprise-Wide Contract vehicle.

3. Description of Supplies/Services.

The USCG has a requirement for the renewal of McAfee software maintenance for support in performing continued maintenance and subscription support, software updates, software patches, and technical maintenance support 24 x 7 via telephone, e-mail, and secure web site. This maintenance purchase is for McAfee software that is currently owned by USCG and installed on C5ISC-Kearneysville managed systems.

The total estimated price for this requirement is [REDACTED] using FY21 funding. The Period of Performance is 04/01/2021 thru 03/31/2022.

Part Number	Item Description/Serial Number	Qty	Estimated Unit Cost	Estimated Fixed Price Per Line Item
ACE3450NBDG	HW MNT MFE Adv Corr Eng 3450 1Yr BZ +NBD ** TRUSTED PRODUCT ** Serial Number: A070426036; A070424021; A070424010	3	[REDACTED]	[REDACTED]
ELM5600NBDG	HW MN MFE Ent Log Mgr 5600 1Yr BZ+NBD ** TRUSTED PRODUCT ** Serial Number: A070426041; A070426004; A070426003; A070424037; A070424028; A070424027; A070424017; A070423036; A070423029; A070423022; A070410051;	11	[REDACTED]	[REDACTED]

ERC2600NBDG	HW MNT MFE Event Receiver 2600 1Yr BZ +NBD ** TRUSTED PRODUCT ** Serial Number: A070426020; A070426019; A070426018; A070426001; A070424052; A070424051; A070424008; A070422023; A070422022; A070422021; A070422018;	11		
ETM5600NBDG	HW MNT MFE Ent Sec Mgr 5600 1Yr BZ+NBD ** TRUSTED PRODUCT ** Serial Number: A070423034; A070423032;	2		
ETMX6NBDG	HW MNT MFE Ent Sec Mgr X6 1Yr BZ+NBD ** TRUSTED PRODUCT ** Serial Number: A070423004; A070423003;	2		
GTEETMX6GIEAD-AG	SUB MFE GTI for ESM-X6 1:1BZ **TRUSTED PRODUCT **	1		
ENHSUCCESS-ATG	MFE Enhanced Success Plan Prepaid **TRUSTED PRODUCT **	1		
WBG5500DSDG	MFE Web Gateway 5500 Appl-D 1Yr SD	10		
WBG5500CNBDG	HW MNT MFE Web Gateway 5500 Appl-C 1Yr BZ+NBD ** TRUSTED PRODUCT ** Serial Number: J1A0420084; J1A0524032; J0A0614022; J0A0614024; J0A0614029; J0A0614021; J0A0614019; J0A0614017; J0A0614026;	9		
WSGYCM-AA-KG	MNT MFE Web Security 1Yr BZ** TRUSTED PRODUCT **	50,000		
PSAYDM-ATG	MNT Assigned Product Specialist 1 Yr ** TRUSTED PRODUCT **	3		
TOTAL ESTIMATED COST				

4. Identify the exception to fair opportunity and supporting rationale.

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)(i).

The McAfee software is proprietary and is currently utilized on various USCG systems. The software maintenance is necessary to ensure all C5ISC-Kearneysville managed operating systems can continue to meet and sustain security requirements on the network and cloud computing for CG network. The McAfee requirement must be purchased for unique software updates, patches and technical support. Due to the proprietary nature of the software only brand name McAfee software maintenance is able to provide continued support of the existing investments. 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.

Failure to upgrade or patch existing Coast Guard owned software will expose systems to cyber security threats. Software upgrades provide critical fixes to bugs that impact system performance, prevents attacks against Coast Guard data systems and networks being exposed to potential intrusions, which in turn impacts the integrity, availability, and confidentiality of information. Failure to upgrade software will degrade system performance, which will result in complete system failure within the USCG network.

The continued software licensed maintenance support for C5ISC is necessary to ensure the USCG network is safe from security threats. Due to the McAfee proprietary requirements, the contracting strategy which will provide the Government best value is competing the brand-name McAfee renewal requirement using the FS II 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 McAfee resellers on FS II, which will ensure competition. The Contracting Officer will also perform a price analysis technique to determine that the price at the time of award represents the overall best value for the Government and is fair and reasonable.

6. Statement of actions, if any, The Agency may take to remove or overcome any barriers to competition before any subsequent acquisition for supplies for service required.

Currently, McAfee is proprietary and is on the USCG network. The availability of multiple vendors that can provide brand name McAfee software maintenance ensures competition among value added resellers of this software maintenance. Additionally, the USCG consistently monitors the marketplace and evaluates the USCG’s needs to discover viable alternatives to this brand-name requirement. Should viable alternatives be discovered and resources made available, the requirement for a new USCG SIEM solution 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] _____
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] _____
Technical Representative

Date

9. Approval.

I approve this Justification and Approval in accordance with FAR 16.505(b)(2)(i)(B).

[Redacted Signature] _____
Command Procuring Activity Competition Advocate
(CPACA)

Date