

**JUSTIFICATION AND APPROVAL  
FOR OTHER THAN FULL AND OPEN COMPETITION**

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
260 Industrial Way West  
Eatontown, New Jersey 07724
2. Description of Action: The proposed action is for a Firm-Fixed-Price Delivery Order (DO) under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurements (SEWP) IV Government Wide Acquisition Contract (GWAC) for the renewal of Adobe LiveCycle software maintenance currently supporting four VA mission critical systems: Veterans Service Delivery Network (VETSNET), Veterans Benefits Management System (VBMS), Veterans Release Management (VRM), and Chapter 33 Education Services post 9/11 veterans' entitlements.
3. Description of Supplies or Services: This requirement is for the renewal of software maintenance for Adobe LiveCycle software modules currently supporting four VA mission critical systems. The current LiveCycle modules are operating on six quad processor Sun V440 servers at the Austin development environment and two quad processor Sun V440 servers at the Hines production environment. The period of performance is 12 month from award for maintenance support. The total estimated price of the proposed action is  
[REDACTED]
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is 41 U.S.C. 4106(c)(2) as implemented by 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: This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. Adobe LiveCycle is used to create forms which can be filled out on line and data can be extracted for use inside a Veterans Affairs program. The Adobe LiveCycle product suite has proprietary code and program calls to connect to and from external software. In this case, the external software is several Veterans Benefits Administration (VBA) applications. Switching to a product other than the Adobe LiveCycle could result in application reprogramming costs that could exceed the anticipated licensing costs of the currently deployed Adobe product. Additionally if there was reprogramming, there would be a requirement to retrain application support personnel and VBA end users on any replacement tools. There would be a requirement to have dual licensing contracts for an extended



period of time; one with Adobe until the Adobe suite can be "retired" and one with the new vendor starting during the design and development of the new interface. This dual licensing period could last between 12 to 18 months. The reprogramming effort to switch from the Adobe LiveCycle suite to another product would impact three production systems that support VA's 16 Major Initiatives. This effort would add additional program costs for the maintenance of these programs which is neither scheduled nor budgeted and could require valuable resources to be transferred from VBA programs with a high priority. If the Adobe LiveCycle software maintenance is not procured, developers and production would not have access to software upgrades and maintenance support if a technical issues arises; furthermore, Veterans benefit payment system will not be able to process application support for Veterans payments.

**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 commercially available off-the-shelf software packages that can meet the Government's requirements. There will be limited competition anticipated for this acquisition. 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:** Although the Government is limiting competition as a result of specifying a brand name item, there are several authorized resellers of the Adobe LifeCycle products on the NASA SEWP IV GWAC. Limited competition for this requirement among these vendors is anticipated. Finally, in order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to perform additional market research so that other solutions can be considered.

**8. Market Research:** Market research was conducted in June 2013 and it confirmed that the software contains proprietary information and thus only Adobe and its authorized resellers can provide the software maintenance support. Furthermore, additional market research was conducted by utilizing the Product Verification tool on the NASA SEWP website to identify resellers of Adobe LiveCycle brand name products. The search yielded 18 resellers of the required Adobe LiveCycle licenses. Of the 18 resellers, two of the potential vendors are Value Added Resellers (VARs) and Computer System Original Equipment Manufacturers (OEMs), five are Service-Disabled Veteran-Owned Small Business (SDVOSB) Value Added Resellers (VARs) (Group B); however, one of the SDVOSB resellers graduated and is no longer consider a small business under NASA SEWP, six are Small Business VARs (Group C) and five are large business VARs (Group D). Although there are sufficient numbers of group B contract holders who can meet the Government's requirement, recent Request for Quotations (RFQs) with similar requirements issued to only group B contract holders have resulted in

not receiving sufficient number of responses from firms capable of providing the required products and services. As a result, the lack of responses required the Government to re-solicit to include group C contract holders. In order to promote competition and ensure this requirement is awarded prior to the end of fiscal year 2013, this procurement will be competed amongst group B and C contract holders on the NASA SEWP IV GWAC.

9. Any other facts: N/A