

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 (FFP) Task Order (TO) to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government-Wide Acquisition Contract (GWAC) for the renewal and upgrade of existing Autodesk AutoCAD software subscriptions and accompanying maintenance support and software updates currently being used by VA Office of Information and Technology (OIT) Region 4 facilities. Delivery is required within 30 days after order award and the period of performance shall be 12-months from contract award.
3. Description of Supplies and Services: VA OIT Region 4 requires the renewal and upgrade of existing Autodesk AutoCAD software subscriptions and accompanying maintenance support and software updates at all VA OIT Region 4 facilities. The licenses will be managed on two existing Virtual Machine (VM) servers. VA OIT Region 4 Facility Management Service (FMS) staff uses the current software for construction projects and general building management. The FMS staff is required to create and maintain current blueprint drawings of every structure on its' campuses to include mechanical, electrical, plumbing, architectural, and civil drawings. The FMS staff must maintain these drawings so they can properly manage, service, and repair utilities within VA buildings. Along with the drawings, this software allows FMS staff to effectively manage contracts for renovations and additions to existing buildings. The upgraded software will provide increased functionality and capabilities to the FMS staff when creating and maintaining the aforementioned drawings. It will also ensure that all of the end-user workstation based Autodesk AutoCAD client software licenses used throughout VA OIT Region 4 facilities are also upgraded to guarantee interoperability with the upgraded software on the VM servers.
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is 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 extensive market research, as described in paragraph eight of this document, the Government has determined that limited competition is available among authorized resellers for this brand name item. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. Autodesk software is the only software that meets all VA OIT Region 4 facility requirements. Additionally, all of the software currently in use at

OIT Region 4 facilities is Autodesk software. Only Autodesk software is used on the VM servers and it is the only software that is interoperable within VA OIT Region 4 Intranet network. Additionally, only Autodesk software can show archived drawings that are essential for the FMS management of services and repairs of utilities within VA buildings. Furthermore, all FMS staff is trained on the Autodesk software as it has been used exclusively at all OIT Region 4 facilities for more than eight years. Utilizing any other software would require the additional training of an estimated 150 people. Each user would likely need as much as 24 hours of training in the different applications from a different manufacturer. Adequate time would also be required for users to become familiar with the new software, and for each engineer to go through the laborious process of translating over 200,000 existing Autodesk based drawings into the format of the new manufacturer's software. This would result in a duplication of cost of over \$500,000.00 as drawings produced by FMS staff must be compatible with the software in use at OIT Region 4 facilities. The need for complete compatibility with other VA offices and Government contractors is critical to enable the FMS staff to share engineering drawings across the network. Having incompatible software applications will result in delays and possibly data loss in the relaying of drawings between VA offices and Contractors. This is an unacceptable risk to the FMS as it is their responsibility to support business-critical functions of VA facilities that provide patient care to our Veterans.

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.