

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs
Office of Acquisition Operations
Technology Acquisition Center
23 Christopher Way
Eatontown, New Jersey 07724
2. Description of Action: The proposed action is for a firm-fixed price (FFP) Task Order (TO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) Government-Wide Acquisition Contract (GWAC) for upgrade and maintenance renewal for Section 508 Compliance Office CommonLook software products.
3. Description of Supplies or Services: Department of Veterans Affairs (VA) Office of Information & Technology (OI&T), 508 Compliance Office requires the upgrade and maintenance renewal of three CommonLook software products currently in use as described in paragraph 5 below. The 508 Compliance Office is tasked to ensure that all VA products are accessible in accordance with the requirements set forth in Section 508 of the Rehabilitation Act (29 U.S.C. § 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998. To meet those tasks, the 508 Compliance Office uses and requires CommonLook software verify product compliance.
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 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: This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. Based on the market research described in paragraph eight of this document, it was determined that limited competition is available for the required upgrade and maintenance renewal of CommonLook software. VA has a requirement for the annual maintenance and support of existing VA owned CommonLook brand name software products.

While there are other products available in the open market place for Access Technology (AT) devices, none of the other products have all the features and abilities of the current CommonLook software products.

The CommonLook PDF is a plug-in to Adobe Acrobat software that allows it to extend the accessibility options. CommonLook PDF allows the user to make

Portable Document Format (PDF) documents compliant with Section 508 in several key ways that have significant impact for accessibility. These methods include automating the accessibility of complex data tables [Section 508, paragraph 1194.22 (g)], allowing for specific tagging of images on each page [Section 508, paragraph 1194.22 (a)], and allowing for an additional 50 compliance checks that are not found in Adobe Acrobat. Meeting these key requirements strengthens the ability of Adaptive Technologies to render Acrobat content to disabled users. No other tool is available in the market that has these capabilities.

CommonLook Office plug-in allows Microsoft Office products to be made accessible to all users. It allows for these Microsoft applications to make non-compliant documents compliant and converts Microsoft Office documents into accessible PDFs, formatting documents so they are readable by disabled users' Adaptive Technology. CommonLook Office also tags images [1194.22 (a)], data tables [1194.22 (g)], and columns in Microsoft documents properly [1194.22 (g)], all required by Section 508. No other tools that can integrate into Office documents provide these capabilities, including Microsoft Office's "Save As" feature.

CommonLook Clarity is a database that scans and tracks the accessibility of non-compliant PDFs and Microsoft Office documents across the enterprise, assesses the degree of compliance, and allows for reporting of the non-compliant documents that have been found. As part of the scanning database, it reports on non-compliant documents, how those documents were created, how many defects were found, and who the author was for the document. This capability allows training to be improved so the workforce can create content with improved compliance with Section 508, and do so more quickly. No other tool has been found in the market that has this capability.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Based on this research, it was determined that limited competition is anticipated for the maintenance of the brand name software. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized on the Federal Business Opportunities page upon award 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, there are authorized resellers of these products on the NASA SEWP IV contract. Competition for this requirement among these vendors is anticipated. Furthermore, in order to remove or overcome barriers to competition in future acquisitions for this requirement, the Government will continue to conduct market research to consider alternate solutions.

8. Market Research: The Government's technical experts conducted market research in the second quarter of Fiscal Year 2014 by searching the NASA SEWP IV GWAC to see if any other source, other than a CommonLook authorized reseller

can provide the aforementioned software maintenance support. It was determined no other source other than the brand name resellers of CommonLook software could provide the required maintenance support. VA already owns the software licenses and only requires the maintenance, which is proprietary, and only available from authorized resellers.

Additionally, market research was conducted using the NASA SEWP Manufacturer lookup tool, and it was determined that there are five resellers of CommonLook products and services. One of the five resellers is a service-disabled Veteran-owned small business (SDVOSB) Value Added Reseller (VAs) in Group B and three are Small Businesses Set-Aside VARs in Group C.

9. Other Facts: None.

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.

Patrick Sheehan

Date: 6/4/2014

Director, Section 508 Program Office

Signature: Patrick Sheehan

11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on the expectation of price competition in addition to the fact that prices on the NASA SEWP IV GWAC have already been determined to be fair and reasonable. Additional price analysis will be performed by comparing the proposed prices to the Independent Government Cost Estimate.

Debra G. Clayton

Date: 6/9/14

Procuring Contracting Officer

Signature: Debra G. Clayton

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$650,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

Debra G. Clayton

Date: 6/9/14

Procuring Contracting Officer

Signature: Debra G. Clayton