

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
23 Christopher Way
Eatontown, NJ 07724
2. Description of Action: This proposed action is for a Firm-Fixed-Price delivery order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC) for an Enterprise Term License Agreement (ETLA) for additional Adobe Acrobat software licenses and software maintenance and support for these additional software licenses and for currently fielded Adobe Acrobat licenses. The period of performance for this proposed action will consist of a 12-month base period and two 12-month option periods.
3. Description of Supplies or Services: Adobe Acrobat software is primarily used by VA employees to create portable document format (PDF) files that are uploaded to VA Internet and Intranet sites as a method of informing Veterans of available services and employees of VA policy and procedures. Adobe Acrobat Pro created PDF documents are also enhanced with additional features and functionality through the use of the Adobe Experience Manager (AEM) products (Reader Extensions, Forms/Mobile Forms and Output Production). VA requires an ETLA that will consolidate Adobe software currently in use across the enterprise. Specifically, VA requires software maintenance and support which includes updates and upgrades to existing Adobe products as well as technical support by Adobe certified technicians. VA also requires additional Adobe Acrobat software licenses under the ETLA, specifically the Adobe Acrobat Professional software licenses, AEM Reader Extensions software licenses, AEM Forms/Mobile Forms software and Output Production software. These additional licenses are required to meet the demands of VA's growing enterprise. The total estimated cost of the proposed action, including all options, is \$10,623,699.15.
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) 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. Use of Authority Cited: Based on market research, as described in paragraph eight of this document, limited competition is anticipated for this acquisition. VA currently utilizes Adobe Acrobat Pro software, AEM Reader Extensions software, AEM Forms/Mobile Forms software and Output Production software throughout the enterprise. These Adobe product software licenses are still required for continual use throughout the VA. These PDF documents must be 508 compliant as mandated by Section 508 (29 U.S.C. 794d) of the Rehabilitation Act. Section 508 of the Rehabilitation Act prescribes technical standards that provide for usability and accessibility for people that are visually impaired and/or deaf or hard of hearing. Only an enterprise agreement for all Adobe software products being consolidated under this agreement can meet VA's needs and ensure Section 508 compliance. Based on a review of all PDF creation and authoring software, Adobe Acrobat software is currently the only authoring tool that can produce 508 compliant documents that incorporate complex format elements such as data tables, charts and graphs.

Additionally, Adobe Acrobat software is the only PDF software authoring tool that can provide the following functional features, all of which are required by the VA:

- a. Optical Character Recognition to convert scanned content to accessible text
- b. Semantic content editing (adding and editing tags for accessibility)
- c. Graphic representation of Accessibility Issues to assist with troubleshooting and repair (The Touch Up Read Order Tool)
- d. Extensive accessibility checking against 3 accessibility standards including Section 508 (the other two are WCAG 1.0 and WCAG 2.0)
- e. Accessible forms authoring which also permits users with visual disabilities to begin form field authoring without a sighted person's assistance (though the results still need to be verified by a sighted individual).
- f. Compatible with conventional assistive technology (JAWS, Window Eyes, ZoomText, etc.) and it does not require users of these products to learn new keystrokes or different ways of using these products.
- g. Built in Accessibility Accommodations for low vision, limited mobility, etc. including Read Out Loud, Reflow, High Contrast View and Auto Scroll
- h. Export to other formats – Text, HTML, Microsoft Word
- i. Converts other formats – HTML (Web Capture), Word, Office, etc.

No other software, other than the Adobe Acrobat software can meet all of VA's functional requirements above. Moreover, other products or workflows typically require the use of Adobe Acrobat Pro to augment or enable their own accessibility support. Additionally, other similar products or workflows typically require the use of Adobe Acrobat Pro to augment or enable its accessibility support. Furthermore, Adobe Acrobat Pro and all AEM products (Reader Extensions, Forms/Mobile Forms and Output Production) have functionalities that are unique for Adobe created PDF documents, which VA requires in order to assist Veterans and employees with disabilities such as mobility impairments, blindness, and low vision. Adobe Acrobat Pro is an application that creates and edits PDF files to make them accessible. It has a number of tools for evaluating and repairing the accessibility of PDF files, including access to the structure root through the tags panel, the ability to directly manipulate the reading order through the order panel, a built-in accessibility checker, and the Touch Up Reading Order tool which provides a graphical mechanism for assessing and repairing the accessibility of a PDF document. Adobe Acrobat Pro can generate and modify any PDF document to be accessible from almost any source. In other words, PDF documents created by other PDF authoring software can be imported into Adobe Acrobat Pro and be manipulated via Adobe Acrobat's tag tree to increase accessibility.

The proposed sources for continued software maintenance and support of Adobe Acrobat Professional, AEM Reader Extensions, AEM Forms/Mobile Forms Production, and AEM Output Production software are Adobe, Inc. and their authorized resellers/partners. VA has determined that Adobe or their authorized resellers and/or partners of Adobe software products are the only sources that can provide the aforementioned licenses, software maintenance and support services required. The Government does not possess the technical knowledge necessary for the support of Adobe software. Without this technical knowledge, no other source has the ability to provide the aforementioned Adobe software maintenance and support services, other than Adobe or an Adobe authorized reseller/partner. Failure to acquire the aforementioned maintenance and support services would prevent VA users (employees and Veterans) from being able to perform the essential functions necessary for providing excellent patient and benefits care to our nation's Veterans.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Although the Government is limiting competition as a result of specifying unique or highly specialized software and associated maintenance and support, there are multiple authorized resellers of the required Adobe brand name products and services on the NASA SEWP IV GWAC. Additionally, in accordance with FAR 16.505(a)(4)(iii)(A) this justification will be submitted to all four NASA SEWP IV GWAC groups with the Request for Quotation prior to its release in

order to fully notify all interested parties. Furthermore, in accordance with FAR 5.301 and FAR 16.505(b)(2), this action will be synopsisized on the Federal Business Opportunity Page (FBO) and the justification will be made publicly available within 14 days after award.

7. Actions to Increase Competition: In order to remove or overcome any barriers to competition in future acquisitions for this requirement, VA will continue to conduct market research to identify other PDF applications that are capable of creating 508 compliant documents. Should such products become available; VA will review and consider these products for future requirements. Furthermore, VA will continue to monitor software recommendations/approvals issued by the Section 508 Program Office.

8. Market Research: The Government's technical experts have been conducting market research on PDF software from May 2011 through June 2014. Based on this market research, similar software tools/products were evaluated against VA's requirements. Specifically, the Government's technical experts evaluated similar software from Microsoft (Microsoft Word Save-As PDF feature and Microsoft Word Print-To PDF feature), Nuance (Nuance PDF Converter Pro software), Quark Xpress, and FoxIT. None of the products evaluated could meet the Government's requirements as outlined in paragraph 5 above, specifically with respect to Section 508 compliance. Based on this market research, it was determined that only Adobe Acrobat software meets all of the Government's requirements.

In addition, this market research showed AEM LiveCycle ES as the standard forms solution across the federal government and DoD. It is the only electronic forms and document solution that works with the free Adobe Reader (part of VA's Standard/Gold Image) thus enabling cross service collaboration and commercial coordination capabilities.

9. Other Facts: Market research was conducted on July 15, 2014 by utilizing the NASA SEWP Product Verification Tool to search for sources capable of providing an Enterprise Term License Agreement for Adobe software, maintenance and support. The results of the search indicated five GWAC holders in Group B and seven GWAC holders in Group C are authorized resellers of Adobe software, maintenance and support. Based on this market research, there are a sufficient number of Group B SDVOSB VARs that can meet the Government's requirements.