

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, New Jersey 07724

2. Description of Action: The proposed action will limit competition for the award of a firm-fixed-price delivery order under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) to authorized resellers of BCS Systems (hereinafter referred to as BCS) brand name software maintenance and support.

3. Description of Supplies or Services: VA Financial Services Center (FSC) has a requirement for the renewal of software maintenance and support for existing brand name BCS Bulk Import licenses. BCS Bulk Import software is used to support existing FSC Optical Character Recognition invoice scanning systems. This brand name software also supports a data import engine that includes connectors to the VA FSC document management system. Required BCS Bulk Import software maintenance and support shall consist of any and all manufacturer-released software updates, patches, and versions for the existing installed products. In addition, the software maintenance and support shall also include access to BCS approved support resources, such as help-desk and consultation services for the purposes of resolving problems, issues, and questions concerning the existing installed software. The period of performance for this proposed action shall consist of a 12-month base period from May 21, 2015 to May 20, 2016, with four 12-month option periods for continued support, if exercised. The total estimated price of the proposed action (inclusive of four 12-month option periods) is [REDACTED]

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. § 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) 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 accordance with FAR 11.105, Items Peculiar to One Manufacturer. Based on the market research, as described in paragraph 8 of this document, it was determined that limited competition is viable among resellers for brand name BCS Bulk Import software maintenance and support. This acquisition specifies requirements for BCS brand name maintenance and support. VA does not possess the proprietary technical data required to maintain and upgrade the existing perpetual BCS Bulk Import software licenses that have been in use at the FSC for several years. Failure to acquire BCS brand name software maintenance and support for its Bulk Import software would leave VA without the necessary certified

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support when system problems occur. Additionally, BCS Bulk Import software has been thoroughly tested on the VA FSC network. Procuring other software would cause interoperability issues since other similar software products would not seamlessly integrate into the existing VA FSC network. The procurement of new software rather than renewing the brand name software maintenance and support would result in substantial duplication of costs that would not be recovered through competition. Furthermore, there is no support available for the required BCS Bulk Import software outside BCS and its resellers; therefore, only BCS or its resellers can provide the required software updates, customer support, and technical updates for this product.

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 brand name BCS Bulk Import software maintenance and support. In accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation to all appropriate NASA SEWP V vendors. Furthermore, in accordance with FAR section 5.301 and FAR 16.505(b)(2)(ii)(D), the resulting award will be synopsisized and this justification will be made publicly available within 14 days of award on the Federal Business Opportunities Page.
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.
8. Market Research: Market research was conducted in February 2015 to ascertain if other software products could satisfy VA's requirements. Specifically, VA subject matter experts looked at [REDACTED] software brands and determined that neither product could seamlessly integrate into the existing VA FSC network and support existing invoice and document management systems. Based upon this market research, it is in VA's best interest to continue to maintain the existing BCS brand name software, which meets all of FSC's current needs, rather than replacing it with brand new software. Furthermore, although the companies referenced above can provide similar maintenance support for their competing products, they cannot access the existing proprietary Bulk Import source code required to provide the required maintenance and support, to include software updates, patches, and new versions.

Further market research was conducted in April 2015. The Contract Specialist utilized the NASA SEWP IV Provider Lookup tool, and identified [REDACTED] resellers of BCS products and services that meet the software maintenance requirements of this acquisition who hold current GWACs [REDACTED]

[REDACTED] The Contract Specialist validated that these [REDACTED] contract holders remained under the NASA SEWP V GWAC within their same respective Contract Groups [REDACTED].

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9. Other Facts: None.