

## JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

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 sole source action is for the award of a firm-fixed-price purchase order for the renewal of Getty Images Thinkstock Flex 250 software license subscriptions, maintenance, and technical support.
3. Description of Supplies or Services: VA, Office of Information and Technology, Information Technology Workforce Development (ITWD) has a requirement for the renewal of its existing Getty Images Thinkstock Flex 250 software license subscriptions, maintenance, and technical support. The proposed procurement will provide access to Getty Images, ThinkStock Flex 250 and licensing permissions for photos, videos, and music for a quantity of 10 subscription licenses. These software licenses also will continue to provide VA with the latest clipart, graphics, photos, illustration, videos, and music files to support the development of training material, flyers, announcements, and brochures. The total estimated value of the proposed action is [REDACTED]. The period of performance shall be for 12 months from September 30, 2015 to September 29, 2016.
4. Authority Cited: The authority permitting other than full and open is 41 U.S.C. 3304(a)(1) as implemented by the Federal Acquisition Regulation (FAR) 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."
5. Rationale Supporting Use of Authority Cited Above: The proposed source for this action is Getty Images, 605 5th Ave. South, Suite 400, Seattle, WA 98104, as they are the developer and provider of ThinkStock Flex 250 software licenses. VA conducted market research as described in section 8 of this justification in an attempt to identify alternative products in the commercial marketplace that would meet its requirements. It was determined that Getty Images ThinkStock Flex 250 is the only subscription license that allows access to millions of high resolution and quality photos; images; graphics; illustrations and vectors; primarily focusing on information technology; computer security; privacy; and training. ThinkStock Flex 250 is also the only software that allows for 250 downloads per month; the ability to reproduce an image of 500,000 copies of printed material; and, the ability to re-assign and change license owners. ThinkStock Flex 250 is exclusively owned and propriety to Getty Images. Getty Images only sells directly to the Government, and as such, there are no authorized resellers for ThinkStock Flex 250 subscriptions.
6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. This effort did not yield any additional sources that can meet the Government's requirements. There is no competition anticipated for this acquisition. Additionally, in accordance with FAR 5.201, the proposed action will

## Thinkstock FLEX 250 Subscription

not be synopsisized on the Federal Business Opportunities Page since the total estimated value of this action is less than [REDACTED]

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: In June 2015, the Contract Specialist contacted a Getty Images representative and requested information as to whether there were any other authorized resellers for Getty Images products and services. Getty Images communicated to the Contract Specialist that it does not have any authorized resellers for its Thinkstock Flex 250 licenses since Getty Images sells its products directly to the Government. Additionally, the Government's technical experts performed additional market research using the Internet, and it was determined that no other such product can provide the breadth of materials to meet ITWD's training material production requirements. Companies researched included Fotolia LLC; iStock (which is now a Getty company); Shutterstock; and Corbis Images. Furthermore, VA's technical experts also could not find any other sources that could provide the aforementioned software subscription and support without access to the proprietary technical data for the Getty Images ThinkStock Flex 250 software. Unauthorized software providers do not have access to the proprietary data in the software to be able to provide troubleshooting, updates, fixes, patches, and upgrades. Based on the above, Getty Images is the only source that can meet the Government's requirements.
9. Other Facts: None.