

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: The proposed action is for a firm-fixed-price order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC).
3. Description of the Supplies or Services: VA, Office of Information and Technology, Service Delivery and Engineering, Enterprise Systems Engineering, Capacity and Performance Engineering (CPE) requires the renewal of software maintenance and support services for existing VA CA software licenses including CA Application Performance Management, CA Transaction Impact Monitor, and CA Wily Manager for CA SiteMinder Web Access Manager software products. This software is used at CPE testing centers in Austin, TX and Salt Lake City, UT. CA Application Performance Management software is used for mobile-to-mainframe insight for in-depth root-cause diagnostics, embedded multi-variant analytics, and enterprise-scale metric analysis for applications. CA Transaction Impact Monitor monitors Hyper Text Transfer Protocol transactions in real time and generates defect alerts when it detects anomalies. CA Wily Manager for CA SiteMinder Web Access Manager software is used for policy-based authentication and authorization, supports multiple advanced authentication techniques, identity federation, and single sign on for web applications. CPE currently uses these CA software licenses to monitor the performance of VA information technology (IT) systems and applications undergoing testing. Data gathered during testing is used to determine if the VA IT systems and applications being tested are appropriate for operation in VA production environments. The required software maintenance shall consist of all Original Equipment Manufacturer upgrades, patches, fixes, updates and security resolutions developed by CA. The support services shall provide for the analysis, troubleshooting, and resolution of any software product-related problems or questions encountered by Government users with the specified software products. These maintenance services will ensure the current software remains operational. The total estimated price of the proposed action is REDACTED, inclusive of a 12-month base period and two 12-month option periods.
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is 41 U.S.C. 4106(c)(2) as implemented by 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: Based on market research as described in section 8 of this Justification, it was determined that limited competition is available among authorized resellers of the OEM CA software maintenance and support services on the NASA SEWP V GWAC. The proposed action is for the procurement of software maintenance and support services on existing VA CA software licenses used by CPE to replicate planned and existing production systems in its test center environments. In order to ensure equivalent testing environments, it is critical that the same updated versions of the software tools are used to simulate production operations in test environments. The existing VA CA software is used extensively in providing for a stable platform in both production systems and test center environments. Only CA software maintenance and support services provided by CA or an authorized reseller can meet the requirements as the existing software is proprietary to CA. Specifically, without access to CA proprietary source code no other source is able to provide software upgrades, patches, fixes, updates or security resolutions. Without the required maintenance and support, VA CA software is not usable by CPE in conducting its mission of providing capabilities to test and verify systems, applications, and architectures for appropriate deployment into production. Additionally, since the software is proprietary, no third party source exists that provides analysis, troubleshooting, and resolution of any software product-related problems other than an authorized CA reseller.

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. It was determined that limited competition is viable among authorized resellers of the required CA software maintenance. In accordance with Federal Acquisition Regulations 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and this Justification made publically available on the Federal Business Opportunities page within 14 days after award.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the Government's technical experts will continue to perform market research to determine if there are emerging products available that will enable future requirements to be competed.

8. Market Research: Market research was conducted by CPE technical experts from April 2015 through May 2015 by searching the software product websites of IBM, Oracle Corporation, and Hewlett Packard. Based on reviews of these companies products and services offered, the Government's technical experts determined that none of these sources can meet the Government's requirement for CA software maintenance and support services without the aforementioned proprietary source code. Each software developer offers a proprietary system and associated services that will only operate with its respective hardware and software. The market research revealed that only CA, or its authorized CA resellers, would be capable of meeting VA's requirements. Only CA certified software is compatible and can be integrated into a proprietary CA system. Additionally, no third party vendors were found that provide analysis, troubleshooting, and resolution of any software product-related problems for CA products resellers.

Additional market research was conducted in June 2015 by utilizing the NASA SEWP V Quick Request for Information Tool. It was determined that there were numerous NASA SEWP V GWAC holders that are authorized resellers that can provide the required renewal of CA software maintenance and support services under North American Industry Classification System code 541519. If the required renewal of CA software maintenance and support services are not already on a GWAC holders contract, each contract holder has a dynamic catalog whereby line items can be added based on customer requests; therefore, as long as the required item or service is within scope of the NASA SEWP GWAC, items and services can be added to a GWAC holder's catalog on a daily basis.

9. Other Facts: None.