

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: This proposed action is for a firm-fixed price task 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 Supplies or Services: The proposed action is for Aternity software maintenance for VA, Office of Information and Technology, Service Delivery and Engineering, Enterprise Operations (EO). The software maintenance will consist of software upgrades and updates to include major releases, point releases, service releases, and security releases of applicable software on a quarterly basis and/or within 48 hours in cases in which a high risk vulnerability fix becomes available. The updates and maintenance are necessary for EO to be able to operate successfully. The period of performance is October 1, 2015 through September 30, 2016, with one 12-month optional task with a period of performance of April 27, 2016 through April 26, 2017, if exercised.
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is Section 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: Based on extensive market research, as described in section 8 of this justification, it was determined that limited competition is viable among authorized resellers for the Aternity software maintenance and update support. The current EO infrastructure is based on existing Aternity software and VA requires support compatible with the existing infrastructure protocols and functionality for continued operational availability. This software enables the VA monitoring required for generic web applications to monitor any web based activity generated by a desktop user. VA requires software upgrades and updates to include major releases, point releases, and service releases of applicable software on a quarterly basis or within 48 hours in cases where a high risk vulnerability fix becomes available. Only Aternity or an authorized reseller can provide the necessary software updates because of the propriety source code required to develop and implement software updates. No other source is capable of providing the required software maintenance that meets VA's unique functional requirements. In addition, a prior implementation of Aternity software licenses

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already exists in EO. Acquisition of a different product, even if another one existed with qualifications that met VA's stated functional needs, would require multiple support costs if the Aternity software licenses were abandoned in favor of a different product, and EO would need to purchase new software licenses. No other license is compatible with or interoperable with the existing Aternity proprietary database structures, protocols, and software application programming interfaces. The Aternity software maintenance is the only software maintenance that meets the Government's requirements.

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, however, that limited competition is viable among authorized resellers for this brand name software maintenance. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and the justification will be made publicly available on the Federal Business Opportunities Page within 14 days of award of the order.
7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would enable future actions to be fully competed.
8. Market Research: Market Research was conducted in June 2015. The Government's technical experts reviewed White Papers from Gartner and Forrester. Aternity Inc. and KNOA were the only vendors identified that could potentially provide the required solutions. It was determined that KNOA could not provide the monitoring required for generic web application to monitor any web based activity generated by a desktop user. Only Aternity software provides the combination of features required by the VA in an "out of box" state with no additional custom programming or scripting. Specifically, the Government's technical experts conducted web-based research. As a result of the market research the technical experts confirmed that as the source code required to issue the updates is proprietary, Aternity is the only source capable of providing the required maintenance and upgrades for Aternity Software. No other firm has the capability of developing and issuing software updates and fixes for Aternity software necessary to support existing EO requirements.

Additional market research was conducted in June 2015 utilizing the NASA SEWP V GWAC Provider Lookup tool and there is competition anticipated for the Aternity software maintenance.

9. Other Facts: N/A