

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

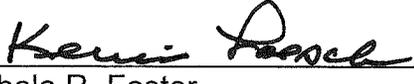
Coordination Matrix

  
\_\_\_\_\_  
Ronald Bakay  
Competition Manager  
Technology Acquisition Center  
Office of Acquisition Operations  
Department of Veterans Affairs

8-11-15  
Date Concur/Non-Concur

  
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Kevin Loesch  
Director, Procurement Service Division B  
Technology Acquisition Center  
Office of Acquisition Operations  
Department of Veterans Affairs

8/11/2015  
Date Concur/Non-Concur

*for*   
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Michele R. Foster  
Associate Executive Director  
Technology Acquisition Center  
Office of Acquisition Operations  
Department of Veterans Affairs

8/12/2015  
Date Concur/Non-Concur

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 task order 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: The proposed action is to acquire renewal of maintenance support of currently fielded Laurel Bridge Digital Imaging and Communications in Medicine (DICOM) Connectivity Framework (DCF) Local Server Run-time software licenses for Office of Information and Technology, Service Delivery and Engineering, Information Technology Service Management. The VA utilizes Laurel Bridge DCF software to develop Veterans Health Information Systems and Technology Architecture (VistA) imaging applications for Veterans Health Administration (VHA) facilities. Required software maintenance and support includes periodic updates, enhancements, and corrections to the software as well as technical/help-desk support. The period of performance for Laurel Bridge DCF software maintenance shall be one 12-month base period followed by two 12-month option periods. The total estimated cost of the proposed action inclusive of the options 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: Based on the market research as described in section 8 of this document, it has been determined that limited competition is available among authorized resellers for the required Laurel Bridge software maintenance on the NASA SEWP V GWAC. VA utilizes Laurel Bridge DCF software to develop VistA imaging applications for all VHA facilities. The maintenance of the existing software is critical in ensuring that the DICOM application is operational and accessible with minimal interruption of services. No other software is able to integrate with the currently fielded software and existing VistA imaging applications. Additionally, no other brand name software is interoperable or compatible with the existing Laurel Bridge software because the source code is proprietary to Laurel Bridge. To maintain the existing Laurel Bridge software, a source must have access to this proprietary source code to provide support, configuration, and software updates. Therefore, only Laurel Bridge, or its authorized resellers, are capable of providing the required maintenance support services for the currently fielded software.
  
6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. These efforts did not yield any

additional sources that can meet the Government's requirements. Although the Government is limiting competition as a result of specifying Laurel Bridge software maintenance there are multiple resellers of this software maintenance that hold current NASA SEWP V GWACs. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized on the Federal Business Opportunities Page within 14 days after award, and this justification will be made publicly available. This justification shall also be posted with the solicitation on the NASA SEWP V web site.

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: VA technical experts conducted market research in January and February 2015 by reviewing the capabilities of other brand name DICOM Gateway software to include ezDICOM, MRIcon, and Able Software. Following this review the technical experts concluded that only Laurel Bridge, or its resellers, are capable of providing the maintenance support services for the currently fielded Laurel Bridge licenses because the Laurel Bridge software is a proprietary product and no other source provides software or maintenance that is capable, functional, and interchangeable with the existing Laurel Bridge software. Furthermore the other DICOM software reviewed by the technical experts did not provide the reliability, security, and other functionality required to adequately support the growing user demands necessary in maintaining a reliable DICOM network for development of VistA imaging applications. Additionally, in July 2015 the Contract Specialist contacted other DICOM software service providers (Redeye, Itradex, and Solarwinds) to determine if they were capable of providing the required software support for Laurel Bridge. Each of the aforementioned software service providers responded that Laurel Bridge was proprietary software, and as a result they are not able to provide the required software maintenance support.

Additional market research was conducted by the Contract Specialist in January and February of 2015, wherein the Contract Specialist utilized the NASA SEWP IV GWAC Product Verification, Manufacturer Lookup, and Request for Information tools. SEWP RFI #196434, dated February 17, 2015, yielded five responses from SEWP IV GWAC holders from which it was determined that all five (Alvarez & Associates, FedStore, ThunderCat Technology, Three Wire Systems, and i3 Federal) were authorized resellers of Laurel Bridge software products and services that held SEWP IV GWACs and are also holders of SEWP V GWACs. Following the expiration of the SEWP IV GWAC on April 30, 2015, the Contract Specialist utilized the NASA SEWP V Provider Lookup Tool that identified one Service-Disabled Veteran-Owned Small Business SEWP V GWAC holder as a Laurel Bridge authorized reseller. Although, only one authorized reseller was identified through the NASA SEWP V Provider Lookup Tool, software maintenance services are offered by multiple NASA SEWP V GWAC holders across all socio-economic categories and groups. Additionally, vendors have the ability to add products/services to their NASA SEWP V GWACs, so a vendor could become an authorized reseller and add software maintenance for a specific software product in response to a Request for Quotation. Therefore, there is a reasonable expectation that

although only one reseller was identified through the NASA SEWP V Provider Lookup Tool as an authorized Laurel Bridge reseller, additional vendors could potentially become authorized resellers of Laurel Bridge to compete and provide the required software maintenance support.

9. Other Facts: None.

10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

Larry E. Carlson

Date: \_\_\_\_\_

Information Technology  
Project Manager

Signature: Larry E Carlson

Digitally signed by Larry E Carlson  
DN: cn=Larry E Carlson, o=Department of Veterans  
Affairs, ou=VA OIT OED PD,  
email=larry.carlson2@va.gov, c=US  
Reason: I am the author of this document  
Date: 2015.08.10 09:32:31 -0700

11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable. Prices under NASA SEWP V GWACs have already been determined to be fair and reasonable. In addition, further price competition is anticipated amongst GWAC holders on NASA SEWP V that are resellers of the required Laurel Bridge DCF software maintenance. Finally, price analysis shall be conducted by comparing the successful quote to the Independent Government Cost Estimate.

Robert Kirzow

Date: 8/10/2015

Procuring Contracting Officer

Signature: Robert Kirzow

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

Robert Kirzow

Date: 8/10/2015

Procuring Contracting Officer

Signature: Robert Kirzow

13. Legal Sufficiency Certification: I have reviewed this justification and find it adequate to support an exception to fair opportunity and deem it legally sufficient.

Mary G. Courtney

Date: 8/10/2015

Legal Counsel

Signature: Mary G Courtney

Approval

Based on the foregoing justification, I hereby approve the acquisition of Laurel Bridge DCF Local Server Run-time software maintenance support in the estimated amount of [REDACTED] on an other than fair opportunity basis pursuant to Section 41 U.S.C. 4106(c)(2), subject to availability of funds, and provided that the property and services herein described have otherwise been authorized for acquisition.

Date: 8.14.2015

Signature: 

Michele R. Foster  
Contracting Activity Competition Advocate  
Office of Acquisition Operations