

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 is for a firm-fixed-price delivery order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for renewal for the brand name Document Storage Systems (DSS), Inc. DocManager software licenses and related maintenance and support services.
3. Description of Supplies or Services: The proposed action is to provide renewal of software licenses for the brand name DSS DocManager software as well as standard maintenance and support service, henceforth referred to as software services, which includes access to help desk services by phone or by email during the hours of operation for all Veterans Integrated Service Network (VISN) 4 facilities and next day on-site maintenance. These services include working directly with the Veterans Health Administration (VHA) Information Resource Management Service (IRMS) staff to address their issues with licensed DSS products upon the logging of a Remedy ticket; escalation of issues to the VHA IRMS staff; working with VHA end-users to address their issues with licensed DSS products; responding to issues reported to DSS VHA Support Services; configuring, as necessary, licensed DSS products to meet the VHA's and/or end-users needs; acting as subject matter experts on licensed DSS products for their configuration; installing new licensed DSS products, and end-user activities; resolving issues involving licensed DSS product's infrastructure requirements including hardware, bandwidth, and best practices; keeping VA Medical Center (VAMC) end-users aware of issues that may impact their usage of licensed DSS products through DSS' Self Service Portal (<http://support.dssinc.com>), and making live reports available to the VHA IRMS staff. These live reports assist the VHA IRMS staff with keeping licensed DSS products up to date; providing summaries of known issues impacting the DSS site with the status and known work around if available as well as tickets that were opened for the last 30 days and tickets that were both opened and closed in the past seven days. The required period of performance for this action is 12 months, with delivery due 30 days after receipt of order. The cost of the yearly software licenses and support is [REDACTED] There are no options for this procurement.
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is 41 U.S.C. 4106(c) 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 extensive market research, as described in section 8 of this document, the Government has determined that limited competition is expected for this proposed action. The brand name DSS DocManager software has been in place at the VISN4 facilities for more than 10 years. These facilities include VAMCs and their associated community based outpatient clinics. DocManager delivers an easy and efficient system for scanning, viewing and sending patient documentation information directly to Veterans health information systems technology and architecture (VistA) Imaging. This enables scanners to index faster, reduce the length of time it takes to file records and helps to quickly reduce the backlog. The result is document technology that enables clerks to efficiently scan, view, close consults, and process documents to VistA imaging, while giving administrators full transparency through real time audit reporting. DocManager greatly reduces the overall document life cycle process allowing for greater productivity and helps eliminate documentation backlog. Standard Support Services are designed to provide the VHA IRMS staff with the resources they need to fulfill the needs of their customers. Since its inception DSS VHA Support Services has been staffed with resources that are comprehensively trained in DSS Products, Information Technology Infrastructure Library methodology, client/server technology, and VHA processes and procedures. These resources work as advocates advising the VHA IRMS staff on issues ranging from configuration to diagnostics. Any lapse in service or technical support could result in negative impacts to Veteran care by potentially compromising Veterans' personal information. This would occur as staff would be unable to properly organize the scanned documents and upload them into the VistA Computerized Patient Record System (CPRS). The potential for attaching scanned documents to the wrong Veteran record would be greatly increased. Only DSS, or an authorized reseller, can provide the required software license renewals, due to the proprietary nature of the software. In addition, no source other than DSS, or an authorized reseller, can provide access to the required DSS self-service portal. Without access to the self service portal, the DSS proprietary information could not be provided for the required maintenance and support services. Currently, DSS DocManager is the only software application that can interface with VistA to meet VA's needs.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. It was determined that limited competition is available among authorized resellers for this brand name item on NASA SEWP. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsized at award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available within 14 days of award. In accordance with FAR 16.505(a)(4)(iii)(A)(2) this Justification for an Exception to Fair Opportunity will be posted on the NASA SEWP V website with the solicitation to all contract awardees.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to perform additional market research in a timely manner so that other solutions can be considered.

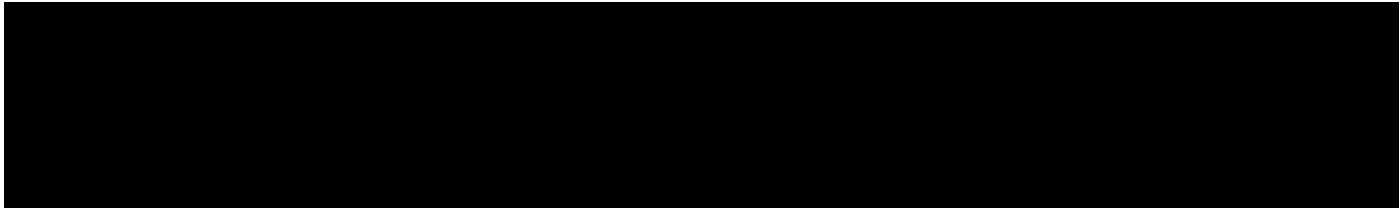
8. Market Research: The Government's technical experts conducted market research in May 2015 by reviewing other similar software (e.g. EMC, IBM, Microsoft, Oracle, Unisys). This market research is an ongoing process and is continuously being conducted with research organizations (such as Gartner Research), reviews of publically available Magic Quadrant and other white papers, VA side-by-side review of multiple competing products (such as Microsoft SharePoint and Adobe Professional) already in use in VA, review of professional trade publications specific to the processes these tools implement and research of NASA SEWP contract holders' catalogs for alternate manufacturers. Based on reviews of these products, the Government's technical experts determined that none of these products can meet the Government's interoperability and compatibility requirements previously discussed. VA has not identified any other provider of software development tools that has enabled the level of tool integration with the VistA and CPRS systems required to meet the Government's need.

Specifically, analysis of these other systems show that there is currently no vendor that has document scanning and indexing manager applications that have a bi-directional communication with VistA/CPRS (integrated to work seamlessly with VistA/CPRS), making the solutions highly scalable and all-inclusive, which competing companies in a similar market environment are unable to offer. The highly modular product portfolio of DSS makes it sustainable to support next-generation network speeds, giving the solutions a high level of future-proofing. The product is the most efficient and most cost-effective enterprise-wide solution for processing every stage of document management, including scanning, indexing, storing, sending and creating reports for system auditing and workload analysis.


Additional market research was performed in August 2015 by conducting a provider lookup on the NASA SEWP V GWAC website. Search results indicated that two small business vendors in Group C provide DSS products on their catalogues. In addition, NASA SEWP V GWAC has a dynamic catalog where 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 V GWAC, items and services can be added to the catalog on a daily basis. Therefore, limited competition is expected for this proposed action.

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.



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 based on the expectation of price competition in addition to the fact that prices on the NASA SEWP V GWAC have already been determined to be fair and reasonable. Additional price analysis will be performed by comparing the successful quote to the Independent Government Cost Estimate, published commercial pricing, and the awardee's NASA SEWP V GWAC catalog pricing.



12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$650,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

