

JUSTIFICATION FOR AN
EXCEPTION TO FAIR OPPORTUNITY

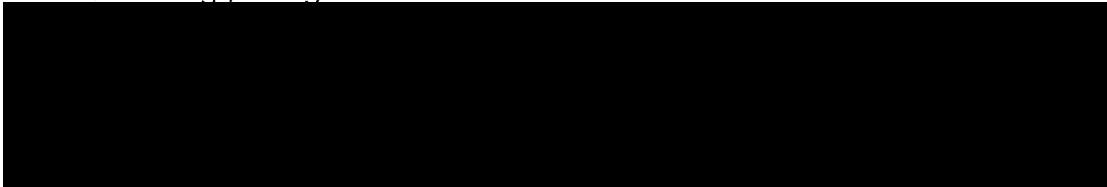
1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
23 Christopher Way
Eatontown, New Jersey 07724
2. Description of Action: The proposed action is for a firm-fixed price (FFP) task order (TO) to be issued against the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurements (SEWP) V Governmentwide Acquisition contract (GWAC). The proposed contractual action is for annual maintenance support of the brand name Serena Business Manager software.
3. Description of the Supplies or Services: The Office of Information and Technology (OI&T) requires annual maintenance of existing Serena Business Manager software. The Serena software supports about 800 OI&T employees across Region 4 providing a workflow product that manages application development and Information Technology (IT) business processes such as change management. The period of performance will consist of a 12-month base maintenance period and two 12-month optional maintenance periods. The total estimated price of the proposed action is [REDACTED], including all options.
4. Statutory Authority: The statutory authority permitting this 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: This is a brand name justification in accordance with FAR 11.105, Items Peculiar to One Manufacturer. The Serena software workflow product is required to support OI&T's logistical business paradigms for custom in house solutions for routing, scheduling, and alerting of all processes that track, maintain, and analyze IT business relationships. Serena Business Manager and Mashups software is owned and has been utilized for the past seven years in Region 4 to allow VA to develop business solutions that improve, automate and track IT business processes. The software has undergone an expansion of its use for OI&T business workflow processes. This is a proprietary software product owned by Serena Software, and no other source has access to the proprietary software code necessary to provide the required software maintenance. The purchase of annual maintenance for existing Serena Software licenses is necessary to maintain the current Serena Business Manager and Mashups workflow product. Attempting to move to another enterprise business management system would require a long migration process, extensive training for OI&T staff, a redevelopment of business paradigms to fit a new system, adequate time to master a new system, and could result in a loss of functionality.

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 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 so that other products or solutions can be considered.
8. Market Research: Market research was conducted in January 2015 by contacting the original equipment manufacturer (OEM), Serena Software. Serena notified the Government that only one contract holder, Immix Technology, is an authorized reseller of Serena software products, including software maintenance. Only Serena or its authorized reseller is capable of providing the required software maintenance support due to the proprietary nature of the software. Additional market research was performed in July 2015 by conducting a Provider Lookup on the NASA SEWP V GWAC website. The search yielded three possible resellers; one Service-Disabled Veteran-Owned Small Business (FedStore), one Historically Underutilized Business Zone Small Business (BlueTech), and one Large Business (Immix Group). The 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. Based on the results of the market research and NASA SEWP's dynamic catalog, 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 competition among authorized resellers. Additional price analysis will be conducted consisting of a comparison of 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.

