

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 delivery order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government Wide Acquisition Contract (GWAC) for the procurement of brand name CA Technologies, Inc. (CA Technologies) service support packages.
  
3. Description of the Supplies or Services: VA Office of Information and Technology (OI&T), Service Delivery and Engineering, Enterprise Operations, has a requirement for the acquisition of CA Technologies service support packages which includes maintenance, installation, configuration, integration, and deployment services and associated training in support of VA's existing and newly acquired CA Technologies Enterprise Management solutions. VA currently uses CA Technologies Management software and hardware solutions across the OI&T information technology environment in order to support management programs, applications and analysis tools such as CA Application Performance Management (CA Introscope & CA Customer Experience Manager), CA Service Operations Insight, CA Unified Infrastructure Management, CA Performance Management, CA Spectrum, CA eHealth, CA Network Flow Analysis, CA Application Delivery Analysis, and CA Capacity Management. Maintenance, installation, configuration, integration, and deployment services are needed to assist with the expansion of already licensed and implemented software spanning the enterprise. These services for OI&T's existing CA Technologies Enterprise Management solutions are required in order to ensure that VA's CA Technologies Enterprise Management solutions are kept current and usable by VA as its application and program management solution. VA requires services professionals to assist VA with design, integrated enterprise solutions and deployment of VA's existing and newly acquired CA Technologies software products, as well as, installation, configuration, integration and administration of VA's existing and newly acquired CA Technologies software solutions at the enterprise level. Furthermore, OI&T requires assistance with installation and deployment of CA Technologies software monitoring and analytics in addition to addressing bug fixes or patches, if required. In addition to maintenance, installation, configuration, integration, and deployment services, VA also requires that the OI&T Command Center Staff be trained on VA's existing CA Technologies performance, availability and automation products in order to increase user knowledge and performance and decrease user downtime due to lack of understanding of the technology. The period of performance shall be one 12-month base period with two 12-month option periods. The total estimated value of this action is [REDACTED] including 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 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 upon market research, as described in section 8 of this justification, it was determined that limited competition is available among authorized resellers of CA Technologies service support packages for maintenance, installation, configuration, integration, and deployment as well as training for this requirement. Due to the proprietary nature of CA Technologies Enterprise Management solutions across the OI&T information technology environment, CA Technologies, and its authorized resellers, are the only sources available to provide the aforementioned maintenance, installation, configuration, integration, deployment and associated training because they are the only known sources that have access to the CA proprietary software source code which is required to maintain, install, configure, integrate and deploy software releases. VA contacted CA Technologies requesting the ability to purchase the proprietary source code, but CA Technologies declined the option for purchase; therefore, the proprietary software code is not available for purchase by the Government at this time. Without access to this code, any other source would not be able to ensure these services are properly provided. Additionally, under the Enhanced Support Services a designated CA Technologies support engineer will assist with installation and deployment of software monitoring and analytics in addition to addressing bug fixes or patches, if required, which are all services that require access to the CA proprietary source code. Without the required services VA's OI&T's existing CA Technologies Enterprise Management solutions would eventually degrade and be unusable by VA as its application and program management solution. For the training, while access to the proprietary source code is not required only CA Technologies, or an authorized reseller, can provide CA Technologies virtual training environments and training personnel to conduct necessary training required for utilization and efficient use of CA Technologies software. Finally, due to the proprietary nature of CA Technologies Management Solutions and virtual training environment access, no third party source can provide the required services other than CA Technologies or an authorized reseller.

6. Efforts to Obtain Competition: Even though the Government is specifying brand name software support services and associated training credits, limited competition is anticipated among authorized resellers 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 and the justification will be made publicly available within 14 days of award on the Federal Business Opportunities Page. In addition, this justification shall also be posted with the solicitation on the NASA SEWP V website with the solicitation.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for the required CA Technologies support services and training requirements, the Government will continue to conduct market research to

determine if there are any viable vendors who may provide the required support services and training that would enable future actions to be competed.

8. Market Research: Market Research was conducted by the Government's technical experts in April of 2016 by performing internet searches for similar support services and reviewing the vendor's website to ensure there are no other sources other than CA Technologies, or its authorized resellers, that could provide the required support services coverage for the existing suite of CA Technologies software applications. When conducting market research the Government's technical experts reviewed, BMC and Riverbed, sources that provide similar support services, to ascertain if these other sources could meet VA's requirements. Although BMC and Riverbed provide similar software support services and training for their respective products, they do not and cannot perform the services or training for CA Technologies software because none of these companies have access to CA Technologies proprietary source code or CA Technologies virtual training environments and certified staff, which are necessary to maintain the software as operational, to install, integrate and deploy the newly acquired CA Technologies software as well as to provide the required user training. Based on these reviews, the Government's technical experts confirmed that only CA Technologies support services and training will meet VA's requirements due to proprietary information/environment access needed in order to perform maintenance and application support and training for the existing CA Technologies software applications. Based on the above, the Government's technical experts have concluded only CA Technologies support services meets all of the Government's requirements.

In June, 2016, additional market research was conducted using the NASA SEWP V Provider Lookup Tool, which found multiple authorized resellers of the required CA Technologies services available on the GWAC. There is reasonable expectation that limited competition exists on the NASA SEWP V GWAC for the required CA software solution packs and training credits. NASA SEWP V has a dynamic catalog where line items can be added based on customer request; therefore, as long as the required item or service is within scope of the NASA SEWP V contracts, items and services can be added to catalog on a daily basis. This requirement has been found to be within scope of the NASA SEWP V contracts in a separate determination.

9. Other Facts: None.