

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 will limit competition for the award of a firm-fixed-price delivery order under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC), for the renewal of brand name Verint Systems, Inc. (hereinafter referred to as Verint) software maintenance and support.

3. Description of Supplies or Services: VA, Office of Information and Technology, Service Delivery and Engineering, Field Operations Region 6 in support of the Atlanta Technology Center (ATC), Health Eligibility Center (HEC) has a requirement for the renewal of software maintenance and support for existing brand name Verint Impact 360 Operational QM, Verint Encryption Management/Impact 360 Gadgets, and Verint V11.1 Base Recording licenses for VA's Call Recording and Quality Management system. Verint software and services allows HEC to engage with customers, enhance employee productivity across the front and back office, and help improve customer service. The software maintenance and support shall include 24x7x365 customer support. The contractor shall also respond within two hours of notification of a critical outage and within one business day for non-critical requests, problems, or incidents. The contractor shall also provide and install Verint application patches and updates as required to correct service or security issues. The period of performance for the software maintenance and support shall be for 12 months from September 30, 2016 through September 29, 2017, with two 12-month option periods for continued software maintenance and support. The total estimated value (inclusive of two 12-month option periods) of the proposed action 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) Subpart 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 was determined that limited competition is viable among authorized resellers for brand name Verint software maintenance and support. Due to the proprietary nature of the software, only the software developer, Verint, has the ability to provide the software maintenance support as required by the Government. No other vendor has the proprietary rights

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to the source code, which is required in order to provide software maintenance activities. Each software developer offers a proprietary system and associated services that will only operate with its respective hardware and software. Without this software maintenance, ATC's ability to provide call recording services on the current solution would be severely degraded, as VA would be unable to troubleshoot software outages, nor would VA receive the necessary patches and updates provided by Verint that are required in order to keep the software operational and prevent security breaches.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this document. 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 brand name Verint software maintenance and support. In accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation to all interested NASA SEWP V GWAC holders. In accordance with FAR 5.301 and FAR 16.505(b)(2)(ii)(D), notice of award of the resulting order will be synopsisized and this justification will be made publicly available within 14 days after award on the Federal Business Opportunity website.
7. Actions to Increase Competition: VA will continue to conduct market research to ascertain if there are changes in the market place and/or VA development environments that would enable future requirements to be executed utilizing salient characteristics and not limited to a particular brand name. Additionally, VA will monitor the software to determine whether the source code is licensed in open source, thereby providing other vendors the ability to provide software maintenance and support.
8. Market Research: Market research was conducted in May 2016 to ascertain the ability of any other source other than a Verint reseller through which VA could receive the aforementioned software maintenance and support. Although other vendors [REDACTED] possess similar capabilities to provide the required maintenance, only Verint has access to the proprietary source code specific to the maintenance for this particular software. Unauthorized software providers do not have access to the proprietary data of the software to be able to provide troubleshooting, updates, fixes and patches, and updates. Failure to acquire the aforementioned software maintenance and support will prevent system restoration during critical outages due to the inability to obtain much needed support from vendor resources. Inability to restore the existing Call Recording and Quality Management system to operational status will preclude the recording of telephone conversations between Veteran patients and HEC staff to facilitate timely and compliant processing of Veteran healthcare entitlements.

Additional market research was conducted in May 2016 by utilizing the NASA SEWP V GWAC Provider Look-up Tool to determine whether the brand name Verint software maintenance and support is available from resellers that hold NASA SEWP V contracts. It was determined that there are several resellers of brand name Verint software maintenance and support that hold current NASA SEWP V contracts.

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Therefore, limited competition is expected among NASA SEWP V GWAC resellers of Verint products/services.

9. Other Facts: None.