

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 AutoDesk software maintenance and support on existing licenses.
3. Description of Supplies or Services: The proposed action will provide AutoDesk software maintenance and support for 300 existing licenses operating on virtual management (VM) servers at all VA, Office of Information and Technology (OI&T), Service Delivery and Engineering, Field Operations Region 2 facilities. The required software maintenance and support will consist of software upgrades, and updates, to include major releases, point releases, service releases and security releases of applicable software on a quarterly basis, or within 48 hours in cases where a high risk vulnerability fix becomes available. Region 2 Facility Management Service (FMS) staff uses the current software for construction projects and general building management. The FMS staff is required to create and maintain current blueprint drawings of every structure on its campuses to include mechanical, electrical, plumbing, architectural, and civil engineering drawings in order to properly manage, service, and repair utility services within buildings. Along with the drawings, this software also allows FMS staff to effectively manage contracts for renovations and additions to existing buildings. The renewal will provide continued functionality and enable the FMS staff to continue creating and maintaining the aforementioned drawings, and will ensure that all of the obsolete software used throughout Region 2 facilities is updated to ensure interoperability with this upgraded software on the VM servers. The maintenance is required to ensure the software remains operational and all known vulnerabilities in the software are mitigated. Additionally, Region 2 is asking for the service to pre-configuring the existing software with the VA unique licensing so it can be deployed and installed via Microsoft System Center Configuration Manager (SCCM) by OI&T staff. The period of performance is for a 12 month base period and two 12-month option periods.
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: Based on extensive market research, as described in paragraph eight of this document, it was determined that limited competition is viable among authorized resellers for this brand name software and maintenance support. Only AutoDesk or an authorized reseller can provide the necessary software updates because of the proprietary source code required to develop and implement software updates. Access to this code is required to ensure all services provided are properly configured and that all upgrades and updates are pushed through. No other source is capable of providing the required software maintenance and support that meets VA's functional requirement. No other brand software maintenance is compatible with or interoperable with the existing AutoDesk software proprietary database structures, protocols, and software application programming interfaces. By not extending the existing AutoDesk maintenance support for existing licenses VA would have to replace existing VA hardware with a different solution thereby resulting in a substantial duplication of cost. The estimated duplicated cost of replacing the current AutoDesk software solution and infrastructure entirely would be \$2,500,000.00, based on the cost of purchasing a replacement solution as well as the cost of an engineering design, high level project planning, and the deployment of a new solution. Furthermore, AutoDesk software is required to manage services, repairs, and utility services within the buildings on Region 2 campuses. Drawings produced by FMS staff must be compatible with the software in use at Region 2 facilities. The need for complete compatibility with other VA offices and Government contractors is critical to enable the FMS staff to share engineering drawings over the network. Having incompatible software applications will result in delays and data loss in sharing drawings between VA offices and Government contractors. Changing to another software product would present an unacceptable risk that could jeopardize fulfilling FMS staff's responsibility for supporting business-critical functions at VA facilities that provide critical patient care to Veterans. The brand name AutoDesk software maintenance and support is the only software maintenance that meets the Government's requirement. Award to any other source would result in substantial duplication of cost to the Government that is not expected to be recovered through competition and unacceptable delays in fulfilling the agency's requirements.
6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. 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 the required software licenses and maintenance support. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the notice of award for this action will be synopsized and this justification will be made publicly available on the Federal Business Opportunities webpage within 14 days of award of the delivery order. In accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation to eligible NASA SEWP V GWAC holders.
7. Actions to Increase Competition: Although the Government is limiting competition as a result of specifying brand name Autodesk software maintenance support, there are

authorized resellers of the required support that are current NASA SEWP V GWAC holders. Limited competition for this requirement among these vendors is anticipated. Finally, in order to remove or overcome barriers to competition in future acquisitions for this requirement, the Government's technical experts will continue to perform market research to determine if there are any products become available that will enable future requirements to be competed.

8. Market Research: AutoDesk is a commercially available off-the-shelf software license package currently in use in VA. Market research was conducted in June 2016 and the Government's technical experts reviewed similar software and services to ascertain if these products could meet VA's requirements. Specifically, the Government's technical experts conducted web-based research on TurboCAD and CADopia engineering drawing software and associated services. Supporting the new products would require the additional procurement of hardware and IT infrastructure to migrate existing AutoDesk data and business process logic. Furthermore, Autodesk software is the only software that can provide interoperability with the existing Region 2 Intranet network. As a result of the market research the technical experts confirmed that as the source code required to issue the updates is proprietary, only AutoDesk or its authorized resellers are capable of providing the required maintenance. No other software maintenance provider has the capability of developing and issuing software updates and fixes for AutoDesk software necessary to support the existing Region 2 requirement. Based on the above market research, only AutoDesk software maintenance and support meets the Government's requirement.

Additional market research was conducted by utilizing NASA SEWP V GWAC Provider Lookup Tool. It was determined that there are multiple authorized resellers of AutoDesk products on the NASA SEWP V GWAC. Therefore, limited competition is expected for this proposed action on NASA SEWP V GWAC.

9. Other Facts: None.