

DETERMINATION AND FINDING

BRAND NAME JUSTIFICATION FOR LEGAL RESEARCH PORTAL SUBSCRIPTION FOR VBA VACO COMPENSATION SERVICES – WASHINGTON, D.C.

JANUARY 30, 2017

Upon the basis of the following findings and determination, the Contracting Officer has determined the proposed action is for an amount not to exceed the simplified acquisition threshold and the circumstances of the contract action deem only one source available to provide the *Westlaw Subscription Services*.

FINDINGS

1. **Description of the Supply or Service.** The Government has a requirement for continued use of the Thompson Reuters WestLaw Subscription Service, the only comprehensive service that provides WestLaw Basic, a reference tool that allows for quick, but basic, access to legislative interpretations; Regulations Plus, a more comprehensive research tool that delves into analysis and helps with interpretation of statutes and opinion; Federal Compiled Legislative histories, the “meat and potatoes” of the research that our policy staff provides in order to adjudicate rulings on compensation issues, and finally, PastStat Locator – USCA, a tool also used in research that supplements, with statistical analysis, information that is mined from the other associated tools.
2. **Background:** Historically, the VBA VACO Compensation Services office has utilized the Westlaw Subscription Services database, but only for a minimal amount of users, not requiring a formal contract based on the dollar value alone. However, the Government’s need has increased from 22 users to 41, thereby requiring an increase of subscription services and establishment of a formal contract, versus procurement via Government Purchase Card. Current VBA VACO users were previously trained and knowledgeable in operating the web-based Westlaw Subscription Services; eliminating any learning curve associated with switching to a similar but less robust and applicable legal research system.
3. **Dollar Amount:** The estimated total purchase price for this acquisition is \$63,085.00. Appropriated funds will be used to obligate this requirement via purchase request number 101-17-5894-0060.
4. **Authority Cited:** FAR 13.106-1(b), “Soliciting from a single source.”

5. **Reason for Authority Cited:** In accordance with FAR 13.106-1(b)(1)(i), the Contracting Officer has determined that only one vendor is capable of providing the subscription services required at the level of quality required because it is the only known product that performs the functions required.
6. **Market Research.** The proprietary Westlaw content and applications and familiarity and relevance for current users, are inherent to the support required for this brand name justification. Further, to ensure continued mission success and no lapse in services and/or increase in learning curve associated with a new, less capable system, it is necessary for the VBA VACO Compensation Services users need to stay with WestLaw Subscription Service, as the preferred legal research tool in VBA. Market research revealed that there is a similar service in the commercial marketplace, LexisNexis; however, this service only offers one of the four similar services required by the VBA; inherent to the WestLaw Subscription Service. LexisNexis is a viable alternative in a critical situation, but less comprehensive and not the most advantageous option to support the Government's needs.

DETERMINATION

Based upon the above findings, I determined the proposed action is justified under FAR 13.106-1(b) and is in the best interest of the Government, with all circumstances listed above in consideration. Pursuant to the FAR 5.102(a)(6), as directed by the FAR 13.106-1(b)(3), the brand name justification will be included with the solicitation, redacted as necessary per the FAR 6.305, when distributed via the Government Point of Entry (GPE) via FedBizOps.

APPROVED BY:



JOHN A. PLAYER, MIDWEST DISTRICT CONTRACTING TEAM
Contracting Officer