

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, NJ 07724
2. Description of Action: This proposed action is for the award of a firm-fixed-price Delivery Order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for renewal of brand name InQuisient (formerly Enterprise Elements) software license maintenance and support.
3. Description of Supplies or Services: VA Office of Information and Technology, Architecture Strategy and Design requires the continued annual maintenance support on existing licenses in order to continue receiving version updates, security patches, and help desk support. This renewal of brand name InQuisient software maintenance consists of InQuisient Repository Core maintenance, InQuisient Standard Concurrent User maintenance, InQuisient Dev/Test/Prod maintenance and InQuisient Enterprise Repository (Read Only) maintenance. The InQuisient software facilitates the management and analysis of dynamic, highly interrelated data from various levels of the VA information technology enterprise architecture (EA). The period of performance shall consist of a 12-month base period, beginning May 1, 2017 through April 30, 2018, and includes two 12-month option periods. The total estimated price of this proposed action is \$ [REDACTED], including all options.
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is 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: Based on market research, as described in Section eight of this justification, it was determined that limited competition is available among authorized resellers for the required brand name InQuisient Software license maintenance support on the NASA SEWP V GWAC. The market research confirmed that only InQuisient or its' authorized resellers can provide the required software maintenance and support. No other software provider is capable of providing the required support and maintenance, as only InQuisient possesses the proprietary data necessary to maintain the current software. Each software manufacturer provides support for its own proprietary software, therefore, due to the proprietary nature, no alternate source provides the software patches and updates required. Further, InQuisient only provides their software source keys to their designated authorized resellers, which is required to perform requirements outlined in the Product Description. Unauthorized software providers and non-approved InQuisient

vendors do not have access to the proprietary data and required source codes of the software in order to provide InQuisient software maintenance and support. Only their authorized resellers have access to the proprietary source code specific to the maintenance for the particular software licenses.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section eight 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 brand software license maintenance and support. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), notice of award of this action will be synopsisized and this justification will be made publicly available within 14 days of award on the Federal Business Opportunities Page. In accordance with FAR 16.505(a)(4)(iii)(A), this justification will be posted with the request for quotation on the NASA SEWP V GWAC website to notify all interested parties.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed. To support competition for contract support, the EA Program engages in regular evaluations of industry software to determine whether or not current tools can be replaced.

1. 8. Market Research: Market research was conducted by VA's technical experts in February 2017 via internet searches to ascertain the ability of any source other than InQuisient or its' authorized resellers that could provide the required software maintenance and support. This market research revealed that although International Business Machines and Oracle offer similar solutions, none could meet VA's required software needs because these contractors cannot access the source code(s) and technical data of the VA's current proprietary InQuisient software licenses.

Market Research was also conducted using the NASA SEWP V RFI Tool, through RFI request [REDACTED] posted on February 13, 2017. Three responses were received as follows: (1) [REDACTED] (2) [REDACTED]

[REDACTED] and [REDACTED]. However, additional Market Research was conducted by the Contract Specialist in March 2017, by utilizing SEWP Provider Lookup tool and direct communications with InQuisient. This research revealed that there are four Service-Disabled Veteran-Owned Small Businesses (SDVOSBs) within NASA SEWP V who serve as authorized resellers, [REDACTED]. The Contract Specialist searched the Vendor Information Pages (VIP) database (www.vip.vetbiz.gov), and all four of these Group B(2) SDVOSB GWAC holders were verified. Therefore, limited competition is anticipated under the NASA SEWP V GWAC for the requirements described herein.

9. Other Facts: None

10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, is accurate and complete to the best of my knowledge and belief.

[Redacted]

Date: 3/28/17

Computer Specialist

Signature: [Redacted]

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 upon anticipated competition and discounts from NASA SEWP V GWAC holders who are authorized resellers of the required brand name InQuisient software license maintenance and support. Additionally, NASA SEWP has already determined that the catalog prices on its GWACs to be fair and reasonable. Finally, if only one quote is received price analysis shall be conducted by comparing the successful quote to the Independent Government Cost Estimate.

[Redacted]

Date: 3/30/2017

Procuring Contracting Officer

Signature: [Redacted]

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 \$700,000.00, the certification below as required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

[Redacted]

Date: 3/30/2017

Procuring Contracting Officer

Signature: [Redacted]