

## JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

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: The proposed action is for a modification to Contract No. VA118-15-C-0288 for Event Management Services (EMS) Software as a Service (SaaS). EMS SaaS is a customizable web-based solution used for Direct Access Program (DAP) events, as well as national, regional and local events in support of VA's Office of Small and Disadvantaged Business Utilization (OSDBU). DAP events bring Small Businesses together with Government Procurement Decision Makers (PDM)s from Government and industry. One of the most critical components of the DAP is the National Veterans Small Business Engagement (NVSBE). EMS SaaS is a critical tool being used to maximize the effectiveness of the upcoming NVSBE, scheduled for December 2<sup>nd</sup> through 5<sup>th</sup>, 2017, by matching attendees with Government requirements to attendees with industry capabilities during the event. The contract was awarded on a competitive basis to Thermopylae Sciences & Technology, LLC (TST), 1555 Wilson Blvd, STE 504, Arlington VA, 22209 on August 14, 2015.
  
3. Description of Supplies or Services: Contract No. VA118-15-C-0288 is being modified to enhance the EMS SaaS application and add functionality to facilitate a more user friendly experience, including access to user guides and videos. The EMS SaaS business rules and registration module shall be modified to facilitate attendees' registration at DAP events and allow for improved matchmaking of Government PDMs with their industry counterparts during the DAP events. VA also requires increased level of effort for technical support services to assist participants, to be provided both on-site at the DAP events and remotely prior to and throughout DAP events. VA also requires redesign and maintenance of the NVSBE registration web presence to support NVSBE 2017 and future DAP events to include website hosting and platform design, content creation, development and integration web services/Application Programming Interface from within EMS SaaS or other third party applications including VA's Vendor Information Pages. This redesign is required to support a new direction in the goals and activities of OSDBU.  
The period of performance for all services required via this modification will be from date of modification award through April 13, 2018.
  
4. Statutory Authority: The statutory authority permitting other than full and open competition is 41 U.S.C.3304(a)(1) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1(a)(2) entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

## Cloud-hosted Software as a Service (SaaS) for Event Management Services

5. Rationale Supporting Use of Authority Cited Above: TST is the only firm that can provide the required services as the EMS SaaS solution includes TST proprietary source code. Without access to the source code, other potential vendors could not provide the seamless functionality integration required for the services described in paragraph 3. The Government contacted TST in August 2017 to ascertain if this proprietary source code is for sale and was advised that the code is not for sale.

6. Efforts to Obtain Competition: Competition was not sought for this specific modification because there is no logical way to obtain competition for this specific effort, as the services require modification to proprietary software to support the 2017 NVSBE. The proposed enhancements must be completed by August 2017 to ensure the automation of registration and match making functionality. To achieve this functionality the vendor must enhance the existing software code to address the required business rules and workflows. VA requires a fully automated agenda building and scheduling capability to achieve the most advantageous outcome for the NVSBE. Technical Support services also require access to TST proprietary source code in order to fully respond to any and all user requests.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for the requirements described herein, the Government's technical experts will perform market research to determine if future actions can be competed.

8. Market Research: The Government technical experts conducted market research in July 2017 by searching for sources that can provide the services to support the 2017 NVSBE. The technical experts reviewed a number of providers to assess their capabilities to provide the services to support this effort. This included a Sources Sought Request for Information (RFI) and a review of commercial software applications such as Salesforce, Service Now, and Microsoft Dynamics Customer Relationship Management. There were three complete and validated responses to the RFI, all from Small Business entities; one Service-Disabled Veteran-Owned Small Business (SDVOSB), one Small Disadvantaged Business, and one Minority-Owned Small Business. Of the three companies that responded, only the incumbent SDVOSB, was determined capable of meeting VA's system requirements. While the other two respondents have technical capabilities to provide software enhancements and ancillary services VA would have to replace the existing Event Management SaaS solution with one developed by one these other firms due to proprietary considerations. Access to proprietary source code for the EMS SaaS solution, which is necessary to obtain the required services, can only be obtained through TST. It would take up to six months to develop a fully functioning replacement event management platform, which would unacceptably delay the 2017 NVSBE. The Government would also have to cancel existing contracts for hotels and the event location at considerable cost. In addition, the estimated cost of a new system is \$1 million.

9. Other Facts: None