

JUSTIFICATION AND APPROVAL

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
1701 Directors Blvd  
Austin, TX 78744
2. Description of Action: This acquisition is for a firm-fixed-price delivery order conducted under the authority of the Multiple Award Schedule Program, Federal Acquisition Regulation (FAR) 8.405-6 (a)(i)(B) – Limited Sources - Only One Responsible Source. The proposed effort will be awarded under the General Services Administration (GSA) Federal Supply Schedule (FSS) GS-35F-0554M schedule 70 to Blackboard, Inc. (a large business), 650 Massachusetts Avenue, 6<sup>th</sup> Floor, NW, Washington DC 20001-3796.
3. Description of the Supplies or Services: VA, Veterans Health Administration (VHA) Telehealth Services requires 8,000 additional term user licenses for their current installation of Blackboard Learn software, the Telehealth E-Learning Platform. VHA Telehealth Services' overarching goal is to use health informatics, disease management, and TeleHealth technologies to target care and case management and to improve access to care, thereby improving the health of our nation's Veterans. Tied to this goal is the need to effectively and efficiently train VA healthcare workers on the necessary Telehealth policies and procedures, and to do so in a way that allows for a high degree of interactivity between the trainer, learner, facilitator, and peer while minimizing costs, travel, and time out of the field. The purpose of this sole source requirement is to support the Telehealth Service E-Learning solution. The inclusion of a new and larger multi-community has several needs that are not fully met by the current deployed system. The period of performance is for one 12-month base period and two 12-month option periods for Blackboard Learn software. The total estimated value of the proposed action is [REDACTED], including of options.
4. Authority: This acquisition is conducted under the authority of the Multiple-Award Schedule Program. The specific authority providing for a limited source award is Federal Acquisition Regulation (FAR) Part 8.405-6(a)(1)(i)(B), "Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized."
5. Rationale Supporting Use of Authority Cited Above: The proposed sole source is Blackboard, Inc., 650 Massachusetts Avenue, 6<sup>th</sup> Floor, NW, Washington DC 20001-3796. In order to support Telehealth Services multi-community, VHA Telehealth Services must increase licensing for access to the current installation of Blackboard Learn and Blackboard Collaborate software through the addition of term user licenses Blackboard, Inc. Blackboard, Inc.,

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Learn and Collaborate software is the existing software used by VA that currently provides a Virtual Learning Environment for students through 15,000 existing term user licenses. All licenses are an addition to the existing software platform. The current contract number for the existing installation is GS-35F-0554M, order number VA119-15-F-0063, and it has two option years remaining. To date, VA has invested \$1,576,415.13 in the existing implementation of Blackboard software and licensing. The continued use of Blackboard Learn and Blackboard Collaborate software is paramount to meet the needs of the Academy. Blackboard, Inc., is the sole provider of Blackboard Training Services for the Blackboard software. No other distributors are permitted to sell or provide software maintenance for any of Blackboard, Inc.'s, products. Blackboard, Inc., has proprietary rights and has its software covered under U.S. Patent Number 6,998,138 for internet-based education support system and methods. The software is also protected by copyright, and Blackboard, Inc., is the only source that can provide future releases, upgrades, and other software maintenance and support. Competing for new software would not result in savings, and the purchase of 8,000 additional term user licenses is more advantageous to the Government. VA is not seeking to replace the existing system, which would cause significant schedule, cost, and technical interoperability risks.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. This effort did not yield any additional sources that can meet the Government's requirements. There is no competition anticipated for this acquisition. In accordance with FAR 5.301 and 8.405-6(a)(2)(i), this action will be synopsized at award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.

7. Actions to Increase Competition: The Government will continue to conduct market research to learn if there are changes in the marketplace that would enable future actions to be competed.

8. Market Research: The Telehealth technical personnel conducted a market research in July 2017, in search of sources for the e-learning platform solution under this requirement and to locate quality vendors. The market research efforts consisted of visiting websites, performing online searches via Google and GSA FSS, and contacting Blackboard, Inc., directly. The technical personnel collected and analyzed market information about large and small business capability, and no potential sources was found. Additionally, Blackboard, Inc., provided an official memorandum, signed by Blackboard's Deputy General Counsel, Bill Jones, certifying that Blackboard, Inc., is the sole manufacturer and provider of the Blackboard Learn software.

In August 2017, the contract specialist conducted market research using web searches, and by searching for resellers on National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V

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Government Wide Acquisition Contract (GWAC), and General Services Administration (GSA) Federal Supply Schedule using GSA EBuy. These searches for Blackboard Learn and Blackboard Collaborate software providers on NASA SEWP V GWAC and GSA did not yield any results.

9. Other Facts: None

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

██████████ Date: August 28, 2017  
Telehealth Services Director Signature: ██████████

11. Determination of Best Value: I hereby determine that the proposed contract action will represent the best value to the Government. GSA has already determined that the prices on the FSS contract are fair and reasonable. Further price analysis, to include an analysis of proposed level of effort and mix of labor, will be conducted and subsequent negotiations held as necessary. Additionally, price discounts will be sought.

██████████ Date: 8/30/2017  
Contracting Officer Signature: [Signature]

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, the certification below required by FAR 8.405-6(d)(1) serves as approval.

██████████ Date: 8/30/2017  
Contracting Officer Signature: [Signature]