

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 (DO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government wide Acquisition Contract (GWAC) for CA Application Experience Analytics (CA AXA) software licenses and maintenance.
3. Description of Supplies or Services: VA, Office of Information and Technology (OI&T), Service Delivery and Engineering, Enterprise Operations (EO) seeks to expand the capabilities of its CA Application Performance Monitoring (CA APM) system through the acquisition of 500,000 CA AXA software licenses and one year of software maintenance support for these licenses. The CA AXA software is specifically designed to be integrated with VA's CA APM system. The software will provide a detailed user behavior analysis for web and mobile applications, to include a complete view of user experience including a page by page flow for each user and all activities performed by the user in the web or mobile app. The software will also provide usage metrics, user engagement, user activity and retention as well as code-level visibility into issues, activity logs and real user data, and has the ability to playback real user sessions with application screens and user gestures allowing for a definitive correlation of any performance issues back to specific user activity. Software maintenance support consists of upgrades, updates, and/or software fixes, as well as technical support services. The total estimated cost of the proposed action is \$ [REDACTED].
4. Statutory Authority: The statutory authority permitting this 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 market research, as described in section 8 of this justification, it was determined that limited competition is available for CA AXA software licenses and associated maintenance. This procurement supports expansion of VA's existing CA APM system via the acquisition of additional CA software licenses. VA's CA APM system already hosts various CA software licenses. The purchase of CA AXA software licenses is essential for gaining visibility into the user experience for the purpose of identifying performance issues such as with system responsiveness, bottlenecks, and degraded performance. CA AXA software is the only software in the marketplace that can be

integrated with the existing VA CA APM system. No other software is interoperable and compatible with the existing infrastructure due to the proprietary nature of the CA system. The CA APA infrastructure is built upon CA's proprietary data and no other software can communicate with it. Failure to acquire the aforementioned software continue the current pattern of hidden issues related to responsiveness, degraded performance and bottlenecks that plague the users, ultimately have a deleterious effect on end-user productivity.

Software maintenance for the CA AXA is required to keep the software up-to-date. Only CA or an authorized reseller of CA software is the only known sources with access to proprietary CA source code. Any other source would need access to the proprietary source code to provide software updates, upgrades, and bug fixes. Without the aforementioned source code, no source can provide the required software maintenance.

6. Efforts to Obtain Competition: Market research was conducted in May 2017, details of which are in section 8 of this document. This effort did not yield any additional sources that can meet the Government's requirements. Although the Government is limiting competition, there are multiple authorized resellers of the required licenses and maintenance on the NASA SEWP V GWAC. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and the justification will be made publicly available on the Federal Business Opportunities Page within 14 days after award.
7. Actions to Increase Competition: To remove or overcome barriers to competition in future acquisitions for this requirement, the agency will continue to perform market research to ascertain if there are changes in the marketplace that would enable future actions to be competed.
8. Market Research: At a technical level, research was conducted in April of 2017 to determine if other products could meet the government requirements. The Government reviewed publically available industry literature for similar software including HP Enterprise Development AppPulse Suite, CISCO AppDynamics and Quest Foglight User Experience Management. None of these products meet VA's interoperability and compatibility requirements as noted in section 5. Additional market research was conducted in May 2017 on NASA SEWP to identify resellers of the aforementioned CA AXA software and software maintenance. Numerous NASA SEWP V providers across Groups A, B, C and D are able to resell CA products and services. Therefore, competition between resellers will exist.
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.

██████████

Date: ██████████

Project Manager

Signature: ██████████

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. Additionally, NASA SEWP has already determined that the prices on contract are fair and reasonable. Finally, the successful quote will be compared to the Independent Government Cost Estimate.

██████████

Date: ██████████

Procuring Contracting Officer

Signature: ██████████

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

██████████

Date: ██████████

Procuring Contracting Officer

Signature ██████████

Approval

In my role as procuring activity Advocate for Competition, based on the foregoing justification, I hereby approve the procurement of CA AXA software licenses and associated maintenance on an other than fair opportunity basis pursuant to Section 41 U.S.C. 4106(c)(2), subject to availability of funds, and provided that the property and services herein described have otherwise been authorized for acquisition.

Date: [REDACTED]

Signature: [REDACTED]

Advocate for Competition
Technology Acquisition Center
Office of Acquisition Operations