

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: The proposed action is for a firm fixed-price delivery order under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government-wide Acquisition Contract (GWAC) for the renewal of software maintenance and support for brand name Unicom products.

3. Description of Supplies or Services: The VA Office of Information and Technology (OI&T), Enterprise Program Management Office (EPMO), has a requirement to renew software maintenance and support, which includes software maintenance, updates, and manufacturer telephone and web-based technical support services, for four Unicom products in use throughout EPMO. The maintenance and support services shall include resolution to problem tickets via the Unicom Support Web Portal, resolution to phone calls via the Unicom Support Help Desk, release of software hotfixes and software version updates, electronic distribution of maintenance updates or new releases, and authority access control methods. Product support services will enable VA to continue its mission by providing maintenance on the standard manufacturer user license agreement for existing VA Unicom product perpetual licenses. The period of performance for the software maintenance and support as a product shall be 24 months from date of award. The total estimated value of the proposed action is [REDACTED]

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) Subpart 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. Supporting Use of Authority Cited Above: Based on market research, as described in paragraph 8 of this justification, it was determined that limited competition is available for the required Unicom brand name software maintenance and support services. Only Unicom product software maintenance and support can meet the Government's requirements. Without this Unicom maintenance, OI&T would not be able to troubleshoot configuration, operational use, and customization of Unicom Tool products in use throughout VA's information technology (IT) software and system solution delivery process; from requirements management through design, modeling, change and configuration management, and test and quality management.

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VA OI&T's infrastructure is based on existing Unicom products and VA requires software support for continued operational availability. Only Unicom or an authorized reseller can provide the software maintenance and support because of the proprietary source code required to develop and implement software updates for proper configuration. Only the Unicom Tool manufacturer or its authorized resellers are suppliers of these services. This software maintenance and support is the only support that meets the Government's requirements. Failure to acquire the aforementioned software maintenance and support will prevent the VA implementation team from obtaining hotfixes and patches to identified security vulnerabilities, defect resolutions, and infrastructure compatibility reengineering releases, allowing the tools to be Section 508, Security, and Enterprise Architecture compliant. Failure to procure will also prevent VA project and program managers from managing full software development methodologies, ensuring complete traceability of stated business requirements and reference models into functional requirements, change orders for software, and test cases and evidence. Without the necessary software maintenance and support, project and program requirements will not successfully integrate project design, change, issue, risk, requirements and testing data, with project scheduling data into other data collection systems.

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 products or sources that can meet the Government's requirements. It was determined, however, that limited competition is viable among authorized resellers for the required Unicom brand name software maintenance and support services that hold current contracts with the NASA SEWP V GWAC. In accordance with FAR 5.301 and 16.505(b)(2), 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: IBM sold off these products to Unicom in January 2016. Since that divestiture, the number of resellers of maintenance renewal has been small, but Unicom is expected to increase the number of resellers of these services to include the resellers of all of their other proprietary software products. VA will continue to monitor the increasing number of resellers as Unicom advances their efforts. VA will also be reassessing the continued position of these products in the marketplace over the next two years as OI&T continues to address best in breed products for enterprise architecture strategic planning and development.

8. Market Research: Market research was conducted in January 2016 through April of 2017 to ascertain the ability of any source other than Unicom or Unicom authorized resellers that could provide the required software maintenance and support. Although vendors possess similar maintenance and support capabilities, only Unicom or an authorized reseller has access to the proprietary source code specific to the maintenance for this particular software. Unauthorized software providers do not have access to the proprietary data and source code of the software in order to provide Unicom product software maintenance, updates, and

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manufacturer telephone and/or web-based technical support services. Based on this research, the Government's technical experts have determined that only Unicom or an authorized reseller can meet the Government requirement to provide software maintenance and support.

Additional market research was conducted in May 2017 utilizing the NASA SEWP V GWAC market research tool. A Request for Information (RFI) was issued on NASA SEWP V GWAC website in May 2017 to confirm GWAC holders other than Unicom with the ability to provide the required Unicom product software maintenance, updates, and manufacturer telephone and/or web-based technical support services. The RFI yielded responses from one Woman Owned Small Business reseller of the required brand name Unicom products and one response was also received from the Original Equipment Manufacturer, Unicom Government, Inc. (Other Than Small Business).

9. Other Facts: None.

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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.

[Redacted]

Date: 7/12/2017

Senior Program Director

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 on catalog prices for products awarded on NASA SEWP V GWAC contracts which have already been determined to be fair and reasonable. Additionally, price competition is anticipated among the resellers of the required brand name Unicom products and discounts from existing contract prices. Finally, the lowest price quote that conforms to the solicitation requirements shall be compared to the Independent Government Cost Estimate.

[Redacted]

Date: 7/12/2017

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, the certification below required by VAAR and FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

[Redacted]

Date: 7/12/2017

Procuring Contracting Officer

Signature: [Redacted]