

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

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: The proposed action is for a brand name firm-fixed-price delivery order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC).

3. Description of the Supplies or Services: VA requires Avid Technology Advantage annual maintenance agreement to be used for continued software, hardware, and telephone/online technical support for the Veteran Health Agency-Employee Education System's (EES) Avid non-linear computer edit systems. These systems include computer-based video editing workstations, Infinitely Scalable Intelligent Storage (ISIS) Storage Area Network solution media storage systems, and Interplay Media Management Systems, which are located at the EES media centers in St. Louis, Salt Lake City, Orlando, and Washington, District of Columbia. The Avid Advantage support package includes real-time technical and operational support, software upgrades and failed hardware replacement under the following components:
 - ExpertPlus for the ISIS and Interplay servers: includes 7x24 access with 4-hour response, priority phone support, ticket escalation, and software/firmware upgrades.
 - Elite for the Media Composer edit stations: includes 7x24 access with a 1-hour response, highest priority phone support, escalation, upgrades, advanced hardware coverage.
 - Standard Support (applies to Media Composer & Pro Tools Only): Includes 7x24 access with a 24 hour response, basic phone support, and software upgrades.

The total estimated value of the proposed action is [REDACTED], including a base year and four 12-month option periods.

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. Rationale Supporting Use of Authority Cited Above: This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The current EES infrastructure is based on existing Avid Technology software and hardware, and VA requires support compatible with the existing infrastructure protocols and

functionality for continued operational availability. Only Avid Technology or an authorized reseller can provide the necessary software updates and failed hardware replacement, because of the propriety source code and equipment compatibility required to develop and implement software updates and equipment repair. In addition, a prior implementation of Avid Technology software licenses and hardware already exists in EES. Competing for new products to replace the entire infrastructure would not result in savings, and the purchase of Avid Technology brand name software and hardware maintenance is more advantageous to the Government.

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. It was determined however that limited competition is viable among authorized resellers for these brand name items. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the award notice for this action will be synopsisized on the Federal Business Opportunities Page (FBO) and this justification will be made publicly available within 14 days of award.

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.

8. Market Research: VA technical personnel conducted market research in September 2017, which consisted of a review of the similar software and hardware maintenance, including products offered by [REDACTED]. As a result of the market research, the technical experts confirmed that the source code required to issue the updates is proprietary to Avid Technology, and only Avid Technology parts are compatible with the existing Avid Technology equipment. Therefore, no other contractor has the capability of developing and issuing software updates and fixes for Avid Technology software necessary, nor providing the compatible parts, to support existing EES requirements.

The Contract Specialist (CS) conducted market research in October 2017, by using the NASA SEWP V GWAC Provider Lookup tool. Additionally, a Request for Information was posted on the NASA SEWP V GWAC website to Groups B1, B2, and C on October 2, 2017. Based on this market research, the CS found multiple NASA SEWP V GWAC holders capable of meeting the full requirement.

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.

[Redacted] Date: [Redacted]

Telecommunications Specialist FOR: Signature:

10/23/2017

[Redacted 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 because NASA SEWP GWAC prices have previously been determined fair and reasonable. Additionally, price competition is expected among authorized resellers for this action. Additional price analysis may be performed in accordance with FAR 15.404-1(b).

[Redacted] Date: [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 FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

[Redacted] Date: [Redacted]

Procuring Contracting Officer Sign: [Redacted]