

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 (FFP) delivery order issued under a National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government Wide Acquisition Contract (GWAC) for maintenance support on existing brand name VA-owned International Business Machines (IBM) hardware and software, including, but not limited to firmware, drivers, and a central management server.
3. Description of Supplies or Services: VA, Office of Information & Technology (OI&T), IT Operations and Services (ITOPS), Enterprise Infrastructure Support (EIS) has a requirement for hardware and software maintenance support of the currently fielded 224 IBM servers and components that provide the messaging hardware for the Vitria Interface Engine (VIE) BusinessWare (BW) messaging software deployed throughout VA. The hardware and software maintenance support consists of 24x7x365 routine and system failures coverage, with a 4 hour response time, including the repair and/or replacement of IBM brand name parts. The base year will co-term all maintenance cycles for all servers and components in the IBM infrastructure system hosting VIE BW messaging software for the VA. The option years will each be termed for a single calendar year, thus, bringing all hardware into a single maintenance cycle. The period of performance shall be January 1, 2018 through December 31, 2018, plus two 12-month option periods, if exercised.
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: Based on market research, as described in paragraph 8 of this document, VA determined that limited competition is available among authorized resellers for the required IBM hardware and software maintenance support. The Vitria BW messaging software is a Vitria product for use as a core infrastructure for VA enterprise messaging system. Only IBM certified technicians are authorized sources that can provide the specific hardware and software maintenance of the current VA owned Vitria BW System. Vitria's software source code is proprietary to Vitria and is well integrated with the hardware being utilized by the VA. While any third party provider may resell the support options, they must be IBM certified as no other provider is capable of

providing the hardware and software maintenance to the IBM brand name without the proprietary source code. Access to the proprietary source code is required to ensure all of the hardware and software maintenance, updates, and patches are properly configured to the fielded hardware and software. Additionally, no other hardware provides messaging between multiple patient care and administrative software to allow communications to occur in real time between applications and the current VA corporate database. Utilizing any other messaging software would result in the redesign and integration of an enterprise messaging solution for over 20 patient care applications, and introduce massive delays in transmitting and receiving real-time data. Additionally, failure to obtain the maintenance support for this brand name hardware and software would result in the loss of production messaging intended to provide the instantaneous exchange of millions of patient care messages, and data, exchanged on daily basis. Therefore, only IBM or its authorized resellers with access to their source code have the ability to meet all of VA's interoperability and compatibility requirements. Finally, only the IBM authorized resellers can provide the IBM hardware replacement parts. Use of any other brand name replacement parts would not meet VA's form, fit, and function requirements.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this Justification. This effort did not yield any additional sources that can meet the Government's requirements. VA determined that limited competition is viable among authorized resellers for the required brand name IBM hardware and software maintenance support that are current NASA SEWP V GWAC holders. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D) notice of award for this action will be synopsized and this justification will be made publicly available on the Federal Business Opportunities Page within 14 days of award. In accordance with FAR 16.505(a)(4)(iii)(A), this Justification will be posted with the request for quotation on the NASA SEWP V GWAC website to notify interested parties.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the Government will continue to perform market research to determine if there are any products and/or source providers available that will enable future requirements to be competed. Specifically, this requirement is to be a bridging mechanism as VA has identified a new product that will replace the current Vitria infrastructure. OI&T Product Development (PD) is currently in the design and test phase for this replacement and is expected to launch mid to late FY19. Under the advice of the OI&T Enterprise Systems Engineering and PD, this equipment should be supported for at least three more years to assist in the bridging from this technology to the newer solution.

8. Market Research: Market research was conducted in September 2017 to ascertain the ability of any source, other than IBM or its authorized resellers, to provide the aforementioned maintenance services. Specifically the Government's technical experts researched NASA SEWP to determine if any company could support and maintain the IBM firmware and software updates. Although similar hardware, maintenance, and support services are offered by Better Direct and Fedstore, only IBM authorized resellers are capable of providing the hardware

replacement parts, firmware updates, and hardware and software maintenance support that meet the Government's interoperability and compatibility requirements with the existing infrastructure.

Additionally, market research was conducted in October 2017 utilizing the NASA SEWP V GWAC Provider Lookup Tool to determine whether the required brand name IBM hardware and software maintenance support was available from current GWAC holders. The results of the search found numerous GWAC holders which are IBM authorized resellers that could possibly meet VA's needs, including 6 Service-Disabled Veteran-Owned Small Business Authorized Resellers. Therefore, limited competition is anticipated.

9. Other Facts: None