

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

3. Description of Supplies or Services: VA requires a one year subscription for maintenance and support of two Innovative Research, TileFlow Corporate software licenses. Tileflow is a powerful three-dimensional Computational Fluid Dynamics (CFD) modeling software tool for simulating cooling performance of data centers. It will be used to support CFD techniques, and is applicable for modeling both raised-floor and non-raised-floor designs for VA data centers. The period of performance is 12 months from the date of award, plus four 12-month option years. [REDACTED]
[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. Rationale Supporting Use of Authority Cited Above: Based upon market research, as described in section 8 of this justification, it was determined that limited competition is viable among authorized resellers for this requirement. More than one awardee is capable of providing the supplies or services required, but fair opportunity is limited by restriction to a brand name and complete functionality and capabilities, as requested above, can only be obtained by the software product manufactured by Innovative Research, TileFlow Corporation. This software can be procured through a NASA SEWP V. In accordance with National Security Presidential Directive 51, Homeland Security Presidential Directive 20 and NCSD 3-10; VA is designated as a Category II agency. As a Category II agency, VA must maintain secure communications across the nation, and the required software ensures that existing security and systems compatibility standards are met. If the required software is not procured the VA will not be in compliance with OMB directives regarding the National Data Center Program, VA's Data Center Consolidation Initiative and will be unable to fulfill operational monitoring and increased performance standards demanded by OMB's Data Center Optimization Initiative.

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. However, it was determined that limited competition is viable among resellers for this brand name item. In accordance with 16.505(b)(2)(ii)(D), this action will be synopsisized and the justification will be made publicly available within on the Federal Business Opportunities Page due to the total estimated price exceeding the simplified acquisition threshold.

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 August 2017 to find CFD modeling software provided by other vendors. Five vendors with comparable software brands were reviewed to include Aperture, CNSINT, Comsol, Flow3d, and Panasas. Market research determined that none of these vendors manufactured or sold CFD software specialized for data center computations and modeling, and none are compatible with VA requirements for functionality and compliance with the Computer Retrieval of Information on Scientific Projects (CRISP). Due to the specialized design and construction of this software, which is unique and proprietary to Innovative Research, only the OEM or its' authorized SEWP resellers, can provide the required software.

The contract specialist (CS) conducted market research in August 2017 by using the NASA SEWP V GWAC Provider Lookup and Market Research tools to determine what vendors are capable of providing the full requirement. Based on this market research, the CS found only one service-disabled Veteran-owned small business (SDVOSB) capable of meeting the full requirement through NASA SEWP. However, after researching the previous acquisition for this software, it was identified that three total SDVOSBs proposed on this software, demonstrating that sufficient competition is anticipated.

9. Other Facts: None