

JUSTIFICATION AND APPROVAL  
FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Procurement, Acquisition, and Logistics  
Technology Acquisition Center  
23 Christopher Way  
Eatontown, NJ 07724
2. Description of Action: This proposed action is for a brand name firm-fixed price task order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government-wide Acquisition Contract (GWAC) for the renewal of International Business Machines (IBM) Kenexa Evolution Learning Content Management System (LCMS) software licenses and the associated Professional Services.
3. Description of Supplies or Services: The proposed action is for the renewal of 280 brand name IBM Kenexa Evolution LCMS software licenses and the associated Professional Services for the Office of Enterprise Support Services (OESS), Human Resource Enterprise Center (HREC). VA has been using the IBM Kenexa Evolution LCMS software licenses since 2006, which provide an object-based learning content development environment that offers complete content reusability, personalization, enterprise content management capability, and multi-modal output (Web, CD, Word, mobile, etc.) to support the consolidation of all VA training initiatives. It also allows for all content to be made Section 508-compliant prior to publication. VA requires renewal of the 280 IBM Kenexa Evolution LCMS software licenses in order for VA content developers to continue producing mandatory web-based, mobile, and classroom training courses on the existing IBM Kenexa platform. VA has invested significant time and resources into utilizing the IBM Kenexa Evolution LCMS software licenses to customize the VA viewers, which are content wrappers used to add navigation and media controls, and progress indicators to the above mentioned trainings, to comply with VA Section 508 compliance regulations; i.e. ensuring all menus, buttons and headers are properly tagged, sequenced, focused and accessible to Users who need assistive technology to complete the mandatory trainings. The IBM Kenexa Evolution LCMS software licenses are required to maintain department-wide training development efficiencies and ensure VA and Federal requirements for development and release of training and learning content are met. The period of performance shall be from date of award through March 29, 2019. 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. Rationale Supporting Use of Authority Cited Above: Based on extensive market research, as described in section 8 of this document, it was determined that limited competition is available among IBM Kenexa resellers. The required IBM Kenexa Evolution LCMS software is the only software that can continue to allow VA to use the existing 508-compliant, customized viewers. Any other brand name software would not be interoperable or compatible with the currently developed and deployed viewers. Specifically, the existing viewers are built upon the IBM Kenexa Evolution LCMS software source code, which is proprietary to IBM. No other software application can allow VA continued use of the existing 508-compliant, customized viewers without this source code or without duplicating significant effort in recreating them. Access to this product will allow VA continued use of multiple Section 508 compliant content viewers that have already been developed. Further, this software is needed to continue to develop and maintain these viewers in compliance with the Section 508 regulations, which has been an on-going effort in the Department since 2006. The continued use of these viewers in web-based content development efforts is contingent on renewing the licenses, as these viewers will only work in the IBM Kenexa LCMS product. If the existing IBM Kenexa product was replaced with a comparable commercial product, the current IBM Kenexa technical platform and all the progress made in VA's LCMS would need to be reworked to integrate with the new product, which would result in a break in service for developing and maintaining learning content and training of VA staff. Furthermore, another product would require retraining and involve a steep learning curve for VA content developers and a delay in the ability to maintain training requirements on VA staff. Additionally, over 200 VA courses currently in IBM Kenexa would need to be completely reworked and re-certified to be Section 508 compliant.

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. It was determined, however, that limited competition is anticipated among resellers of IBM Kenexa Evolution software licenses and the associated Professional Services. 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. Additionally, in accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation on the NASA SEWP V GWAC.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for the requirements described herein, the Government's technical experts will continue to perform market research to determine if there are any products which become available that will enable future requirements to be competed.

8. Market Research: The Government's technical experts conducted market research in March 2018 by reviewing other similar software and associated services to ascertain if these items could meet VA's requirements. The other similar software reviewed included Xyleme, Saba and eLogic Learning. Based on reviews of these

products, the Government's technical experts determined that none of these products can meet the Government's interoperability and compatibility requirements previously discussed. Additionally, none of these other products can offer VA continued use of previously-developed 508-compliant, customized viewers. Based on the market research efforts, the Government's technical experts have determined that only IBM's brand name software can meet all of VA's needs.

In addition, a Request for Information (RFI) was issued on February 21, 2018 via the NASA SEWP V website to ascertain if there were sources that could meet the Government's technical requirements for brand name IBM Kenexa Evolution LCMS software licenses and the associated Professional Services. One response was received from Minburn Technology Group, LLC, a Service-Disabled Veteran-Owned Small Business (SDVOSB) reseller of IBM products, and determined to be responsive.

Additional market research was conducted in March 2018 utilizing the NASA SEWP V GWAC Provider Lookup Tool to identify NASA SEWP resellers that could provide IBM Kenexa Evolution LCMS software licenses and the associated Professional Services. The search yielded 111 IBM resellers capable of providing this requirement, 19 of which are contract holders in Group B(2) SDVOSBs and are registered and verified in the Vendor Information Pages (VIP) database. Therefore, limited competition is expected among SDVOSBs for this proposed action. Furthermore, market research was conducted on the VIP database which found that two or more VIP verified vendors are capable of meeting the Government's requirements.

In addition, NASA SEWP V is a dynamic GWAC in which products can be added on a daily basis to vendor catalogs based on customer requests, as long as the required information technology product is within scope of the NASA SEWP V GWAC. The requirement discussed herein has been found to be within scope of the NASA SEWP V GWAC in a separate determination by the Contracting Officer in March 2018. Therefore, in an attempt to meet VA's primary socioeconomic contracting goals, VA intends to issue Request for Quotation number 36C10B18Q2799 to SDVOSB resellers.

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.



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 adequate competition and price analysis. As there are numerous potential resellers of the required IBM Kenexa software licenses and the associated Professional Services that hold NASA SEWP V GWACs, price competition is anticipated. Pricing for products awarded on NASA SEWP V GWAC have already been determined to be fair and reasonable. Finally, the proposed price will be compared to the Independent Government Cost Estimate.



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 [REDACTED] the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

