

## JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

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: The proposed action is for a firm-fixed price (FFP) delivery order (DO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) Governmentwide Acquisition Contract (GWAC) for the renewal of software subscription licenses and maintenance for brand name NetCentric Technologies (NetCentric) CommonLook software products.
3. Description of the Supplies or Services: VA Office of Information & Technology (OI&T), Enterprise Program Management Office, 508 Compliance Office requires the annual renewal of software subscription licenses and associated commercial software maintenance services for the following brand name NetCentric CommonLook software products: one CommonLook Clarity software product and one CommonLook Suite Professional software product, which consists of Common Look Portable Data Format (PDF) Global Access Advanced and CommonLook Office Global Access Professional products. The required software maintenance services on existing NetCentric CommonLook products must provide VA with access to all major and minor releases, hot fixes, patches, and customer support via email and telephone. In addition, these software maintenance services shall include 50 hours of onsite support which encompasses all types of support including, remediation, troubleshooting installation issue and special training. The software maintenance will be provided electronically over the Internet. An Optional Task for 50 additional hours of onsite customer support is included as well. The Optional Task of 50 hours can be exercise up to 9 times over the life of the contract resulting in a total of 600 hours of on site support. The 508 Compliance Office is tasked to ensure that all VA products are accessible in accordance with the requirements set forth in Section 508 of the Rehabilitation Act (39 U.S.C § 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998. To meet those requirements, the 508 Compliance Office requires continued software maintenance of the already-in-use software tools to ensure that the software capabilities remain current and up to date. CommonLook Clarity provides the tools and methodology to effectively measure the accessibility of PDF electronic documents and track performance towards achieving great accessibility consistent with Section 508 requirements. CommonLook Global Access Advanced product, which is part of the CommonLook Suite Professional, greatly simplifies and accelerates tedious remediation tasks and superimposes structure and methodology over the remediation process to ensure compliance with established accessibility standards. This tool is a software plug-in to the Adobe Acrobat authoring tool, which enhances the overall accessibility of the Adobe Acrobat tool especially for the complex PDF documents. CommonLook Office Global Access Professional product, which is also part of the CommonLook Suite Professional, is a software plug-in that provides users with the ability to create accessible Section 508 compliant PDF documents directly from Microsoft Office. This tool extends the functionality of Microsoft Office and Adobe Acrobat products to verify

document compliance in accordance with Section 508 Refresh Standards (WCAG 2.0). The use of this tool does not require that the document author know information about tagging or other document authoring Section 508 concepts, and is a very useful tool that walks the author of documents through the process automatically. The period of performance is a base period of 12-months and two (2) 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: Based on the market research described in paragraph eight of this justification, it was determined that limited competition among authorized resellers is anticipated for the required items and services. Only authorized resellers of NetCentric can provide the aforementioned software maintenance. The current NetCentric CommonLook Maintenance Plus package covers CommonLook Clarity and CommonLook Suite Professional, which encompasses Common Look PDF Global Access Advanced and CommonLook Office Global Access Professional products. Due to the proprietary nature of the NetCentric software, specifically the CommonLook software plug-ins, only NetCentric or its authorized resellers can provide the required software maintenance. Any other source would need access to the NetCentric proprietary data in order to provide these maintenance services and ensure the software is properly maintained, updated and configured. Access to the NetCentric proprietary data is required to complete these efforts. Therefore, only NetCentric or its authorized resellers are capable of providing the software maintenance.

In addition, no other brand name software can meet all of VA's needs. Specifically, Netcentric Common Look Clarity is a database product that scans and tracks the accessibility of non-compliant PDFs and Microsoft Office documents across the enterprise, assesses the degree of compliance, and allows for reporting of the non-compliant documents that have been found. As part of the scanning database, it reports on non-compliant documents, how those documents were created, how many defects were found, and who the author was for the document. This capability allows for new and improved training so the workforce can create content more in compliance with Section 508, and do so more quickly. No other tool is available in the market that has this capability which is a VA functional requirement.

Additionally, the Netcentric CommonLook Suite Professional, which consists of Common Look PDF Global Access Advanced and CommonLook Office Global Access Professional, extends the accessibility options of Adobe Acrobat; no other similar software products evaluated provide this option which is a VA functional requirement. The Common Look Portable PDF Global Access Advanced products allows the user to make PDF documents compliant with Section 508 requirements in several key ways that have significant impact for accessibility. These methods include automating the accessibility of complex data tables, allowing for specific tagging of images on each page, and providing a mechanism to verify document conformance to a variety of standards including but not limited to the Section 508 Refresh standards that are not found in Adobe Acrobat. Meeting these key requirements

strengthens the ability of Assistive Technologies to render Acrobat content available to disabled users. No other tool is available in the marketplace that has these functionalities that are a VA requirement. Additionally, CommonLook Office Global Access Professional is a plug-in which allows Microsoft Office products to be made accessible to disabled users. It allows for Microsoft applications to make non-compliant documents compliant and converts Microsoft Office documents into accessible Portable Document Formats (PDF), formatting documents so they are readable by disabled users' Assistive Technology. CommonLook Office Global Access Professional also tags images, data tables, and columns in Microsoft documents properly, all required by Section 508 Web Content Accessibility Guidelines (WCAG 2.0). No other tools can extend the functionality of Microsoft Office and Adobe Acrobat products to convert documents to comply with Section 508 Refresh Standards (WCAG 2.0), including Microsoft Office's "Save As" feature which is a VA functional requirement. In addition, these products allow the document author/user to make Microsoft Office and PDF documents compliant with Section 508 requirements themselves. Users can edit documents available via the VA intranet without the need of an external remediation team or risk of a security breach. Based on the above analysis, only NetCentric or its authorized resellers can meet the VA's requirements.

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 this brand name item. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the award notice for this action will be synopsized 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 any new Section 508 accessibility software tools enter the market place that would enable future actions to be competed.

8. Market Research: The Government's technical experts conducted market research by reviewing other similar products in February 2018, such as Microsoft Word and Tingtun.no and maintenance associated with these products. Although, Microsoft Word has a built-in Check Section 508 Accessibility feature that can only check documents that began in Microsoft Office. This fails to meet the VA's requirement for a product that allows the user to make PDF documents in Adobe Acrobat compliant with Section 508 requirements, and does not meet the requirement for a database product that scans and tracks the accessibility of non-compliant PDFs in Adobe Acrobat. Therefore, Microsoft Word does not meet all of VA's functional requirements as outlined in Section 5 of this justification. The Tingtun.no product requires that PDF documents be uploaded to the Tingtun server. This tool does not meet all of VA's functional requirements as outlined in Section 5 of this justification. Failure to continue the maintenance for this software and provide updated licenses and test results will result in the loss of functionality within the Section 508 compliance office. Based on these reviews, VA's technical experts could not find any other sources that could provide the required functionality offered by NetCentric CommonLook brand name software or provide the required software maintenance. Therefore, the Government has determined that no other software or software maintenance plan could meet the requirements.

Furthermore, a Request for Information (RFI) (36C10B18Q2759) was issued on February 26, 2018 to the Federal Business Opportunities website, to ascertain if there were any other sources that could meet the Government's requirements. In the RFI, the Government requested capability statements from vendors to identify alternative commercially available software tools and methodology to effectively measure the accessibility of PDF electronic documents and track performance towards achieving great accessibility consistent with Section 508 requirements. The RFI closed on March 9, 2018; one source, Techsolnz LLC. (Techsolnz), responded to the RFI with an alternative tool; however, it was determined that the response did not meet the Government's needs. A summary of the Government's technical experts' review of the incapable offeror is provided below.

Techsolnz's proposed alternative tool does not meet all of VA's functional requirements as outlined in Section 5 of this justification. Additionally, Techsolnz proposed use of a Compliance Maker Application, whereby the vendor manually scans websites to find documents for 508 compliance, transfers the VA documents to a remediation team at an external location, then uploads 508 compliant documents to a newly created website where VA can use CommonLook Clarity to scan the newly generated website for compliance. This proposal fails to meet the Government's requirements for a product that allows the document author/user to make PDF documents compliant with Section 508 requirements themselves. In addition, this process would require documents that are only available to internal VA employees via the intranet to be sent to a remediation team at an external location and placed on a new website. This process would allow internal VA documents to be made publicly available, creating a potential security issue. The VA requires a product that allows the document author/user to make PDF documents compliant themselves in order to avoid any such security issues. On March 13, 2018, the VA informed Techsolnz, that the proposed solution would not meet the VA requirements. No objections were received.

Market Research was conducted on January 16, 2018 to ascertain the ability of any other source, other than NetCentric or its resellers, to provide the software and software maintenance services for the NetCentric CommonLook software. A Request for Information (RFI) was posted on the NASA SEWP V GWAC seeking vendors who could provide the required software and software maintenance for the NetCentric CommonLook software. VA received quotes from two resellers, SHI and Four Points Technology, that can provide the required NetCentric CommonLook software and software maintenance. Due to the proprietary nature of the NetCentric software, specifically the CommonLook software plug-ins, only NetCentric or its authorized resellers can provide the required software maintenance. Any other source would need access to the NetCentric proprietary data in order to provide these maintenance services and ensure the software is properly maintained, updated and configured. Based on the preceding market research, limited competition is anticipated

9. Other Facts: None.