

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 delivery order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP), Governmentwide Acquisition Contract (GWAC) to purchase MicroStrategy software maintenance and support.
  
3. Description of the Supplies or Services: The proposed action is to purchase MicroStrategy software maintenance and support for 405 perpetual licenses. VA, Office of Acquisition & Logistics (OAL) currently utilizes MicroStrategy, a Business Intelligence (BI) enterprise-reporting, dashboard, and On-Line Analytical Processing (OLAP) software tool in its Electronic Contract Management System (eCMS). The software maintenance and support will ensure the currently fielded software remains operational. The MicroStrategy software tool-set allows reporting and analysis of data stored in a relational database, multi-dimensional database, or flat data file. This software helps understand and make sense of the data collected in order to make more strategic business decisions. The software maintenance support will provide VA with the most current release of the application and software patches, along with access to the MicroStrategy technical help desk. MicroStrategy's software is a component of VA eCMS. This requirement is for the purchase of software maintenance; no new licenses are being purchased and no licenses are being renewed. The proposed period of performance is for a 12-month base period and four 12-month option periods. The proposed length of the contract is required in anticipation of using the aforementioned software and eCMS for at least five years.
  
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 resellers. MicroStrategy is the developer of the MicroStrategy software and is the sole licensor of software maintenance support. A source would need to have access to the MicroStrategy proprietary data in order to ensure that the services provided are properly configured. Due to the proprietary nature of the software there are no other compatible support services that meet the requirements or satisfy the Governments' needs; therefore only MicroStrategy software can meet the Government's requirements. Any source other than MicroStrategy would have to obtain such software licenses and software maintenance support from

MicroStrategy. VA already owns 405 perpetual licenses for the MicroStrategy software procured in Fiscal Year 2009. It is critical to the mission of OAL that MicroStrategy software maintenance support continues. Failure to obtain the aforementioned software maintenance support will have a significantly negative impact on the ability of OAL's management to monitor and report on VA's procurements. Additionally, failure to have these monitoring and reporting capabilities would result in excess dollars being spent, in addition to having a detrimental effect on procurement oversight authorities who depend on this software to provide necessary reports for them to accomplish their mission.

6. Efforts to Obtain Competition: Market research was conducted, the 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 resellers of the required MicroStrategy software maintenance and support. In accordance with FAR 5.301 and 16.505(b)(2), the contract award will be synopsisized on the Federal Business Opportunities (FBO) Page within 14 days of award and this justification will be made publicly available. This justification will also be posted with the Request for Quote on the NASA SEWP web site.

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

8. Market Research: The Government's technical experts researched via the internet maintenance support service plans and software offered for similar providers such as Tableau, Qlik, Microsoft Power BI, Sisense, ThoughtSpot, Salesforce, Pyramid, and Yellowfin to determine if any were capable of meeting the Government's software functional requirements in paragraph 3 above. Market research determined that although these companies and their software products could provide similar maintenance support for their competing products, they could not access proprietary MicroStrategy software required to provide the necessary maintenance services. Only MicroStrategy or its resellers possesses the expertise and proprietary data necessary to understand the functionality of the MicroStrategy software which is required to provide the aforementioned software maintenance support. Due to the proprietary nature of the MicroStrategy brand name software maintenance and support there are no other compatible support services to meet the requirements or satisfy the Government's needs.

On March 7, 2018 additional market research was conducted using the Provider Lookup Tool on the NASA SEWPV GWAC website. This market research indicates that the required MicroStrategy software maintenance is offered by multiple GWAC holders. Furthermore, NASA SEWP has a dynamic catalog where line items can be added based on customer requests, therefore; as long as the required item or service is within scope of the NASA SEWP V GWAC, items and services can be added to the catalog on a daily basis.

9. Other Facts: None.