

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

Coordination Matrix

	4/20/2018	<input checked="" type="radio"/> Concur/ <input type="radio"/> Non-Concur
	Date	
Director, Procurement Service E Technology Acquisition Center Office of Procurement, Acquisition and Logistics Department of Veterans Affairs		

## 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, New Jersey 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 Procurements (SEWP) V Government Wide Acquisition Contract (GWAC) for the renewal of Axiomatics Annual Software Maintenance and 24x7 support services.
3. Description of the Supplies or Services: VA Office of Information & Technology (OI&T), Enterprise Program Management Office, requires the renewal of brand name Axiomatics Annual Software Maintenance agreement and 24X7 support services for the for the currently owned Axiomatics licenses, which includes five (5) Policy Server production licenses, six (6) non-production licenses, three (3) Reverse Query production licenses, three (3) Reverse Query non-production licenses, and seven (7) Policy Auditor licenses; as well as, an optional task for the purchase of technical support/professional services to be provided by a Subject Matter Expert (SME). These maintenance agreements ensure that the Specialized Access Control (SAC) service continues to perform as required. The required maintenance support services include initial access to product upgrades, productivity enhancements, versions, releases, bug fixes, and security/functional patches to licensed product(s). Support shall be available via e-mail, web, phone, and knowledge database to support initial product installation, maintenance, and troubleshooting. In addition there are optional tasks for additional support. The optional technical support/professional services provides configuration, analysis, and technical installation/integration support services for the Axiomatics software licenses by a SME.

The Axiomatics tool suite provides a centralized capability to satisfy the specific requirements of the Specialized Access Control (SAC) service such as attribute and rule based access control by supporting policy creation, maintenance, decision, and enforcement functionality. SAC provides a centralized, fine-grained authorization capability furnishing enterprise applications with the ability to externalize authorization and related audit functionality from the application logic. It offers a greater and more granular degree of control on both, access rights, and the information that is being protected. It is based on the eXtensible Access Control Markup Language (XACML) 3.0 standards. This procurement is for the renewal of software maintenance and support services; no new software licenses are being purchased and no licenses are being renewed. The VA anticipates utilizing the software for at least four years therefore, options have been included to provide for continued software maintenance support. The period of performance (PoP) for the software maintenance support shall be 12 months with three 12-month option periods for continued software maintenance support. The total estimated value of the proposed action is [REDACTED] (inclusive of options).

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 paragraph eight of this document, it was determined that limited competition is viable among authorized resellers for these brand name annual software maintenance and support services. In 2013, VA procured the original Axiomatics software licenses to provide SAC solutions to the VA. Subsequently, the entire SAC system has been developed using Axiomatics as a foundational component. Due to the proprietary nature of the software there are no other support services that meet the requirements of satisfy the Government's needs; therefore only Axiomatics software maintenance support can meet the Government's needs. Only Axiomatics or its resellers have access to Axiomatics' proprietary software source code needed to provide the required software maintenance support and ensure that the services provided are properly configured. This code is also required to develop and push updates and upgrades to the existing software. Without the renewal of the Axiomatics software maintenance support services for the existing licenses VA will not be able to receive critical software updates, enhancements, software corrections, and technical support; posing an immediate risk to VA's Authentication and Authorization capabilities. A failure of the Axiomatics Tool Suite could render VA applications, systems, and data inaccessible to authorized users; potentially compromising veteran safety. Conversely, a system failure increases the potential for unauthorized users to access these same systems, putting at risk all data, including PHI and PII.

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 synopsisized 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: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to perform additional market research to determine if other sources can provide these software maintenance services.

8. Market Research: In April 2018, the Government's technical experts conducted market research by conducting internet searches of other similar software maintenance support services offered by Oracle and IBM to determine if any were capable of meeting the Government's requirements. Market research determined that although these companies and their software products could provide similar maintenance support for their competing products, they could not access the proprietary Axiomatic software code in order to provide the required software maintenance services. The Axiomatics product

is a proprietary solution and only Axiomatics or its authorized reseller possess the expertise and access to proprietary data necessary to provide the required software maintenance support without voiding the licenses currently in use. Additionally, in February 2018, two Requests for Market Research were issued on NASA SEWP, however, no vendors responded. Finally, market research was conducted by utilizing the Manufacturer Look up tool on the NASA SEWP website. The search revealed that there are two authorized Axiomatics resellers, therefore limited competition is anticipated.

9. Other Facts: N/A

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.

Date: 4/21/2018

Contracting Officer's Representative

4/21/2018Signature: 

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 the fact that contracts awarded on NASA SEWP V GWAC have already been determined to be fair and reasonable. Additionally, price competition and additional price discounts from published NASA SEWP catalog prices is expected among resellers for this action. Finally, the successful quote will be compared to the Independent Government Cost Estimate.

Date: 4/23/2018

Procuring Contracting Officer

Signature: 

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

Date: 4/23/2018

Procuring Contracting Officer

Signature: 

## Approval

In my role as Advocate for Competition, based on the foregoing justification, I hereby approve the acquisition of a firm fixed-price Task Order issued under the NASA SEWP V GWAC, for the renewal of Axiomatics Annual Software Maintenance and 24x7 support services on an other than fair opportunity basis pursuant to the authority cited in paragraph 4 above, subject to availability of funds, and provided that the services herein described have otherwise been authorized for acquisition.

Date: 4-23-18 Signature: \_\_\_\_\_

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Advocate for Competition  
Technology Acquisition Center  
Office of Procurement, Acquisition, and  
Logistics