

## JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Procurement, Acquisition and Logistics  
Technology Acquisition Center  
1701 Director's Blvd., Suite 600  
Austin, Texas 78744
2. Description of Action: The proposed action is for a firm-fixed-price order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for renewal of software maintenance and support services for existing VA Computer Associates (CA) software licenses.
3. Description of the Supplies or Services: VA, Office of Information and Technology, Service Delivery and Engineering, Enterprise Systems Engineering, Capacity and Performance Engineering (CPE) requires the renewal of software maintenance and support services for 312 existing VA CA software licenses including CA Application Performance Management, CA Transaction Impact Monitor, and CA Wily Manager for CA SiteMinder Web Access Manager software products. This software is used at CPE testing centers in Austin, TX, and Salt Lake City, UT. CA Application Performance Management software is used for mobile-to-mainframe insight for in-depth root-cause diagnostics, embedded multi-variant analytics, and enterprise-scale metric analysis for applications. CA Transaction Impact Monitor monitors Hyper Text Transfer Protocol transactions in real time and generates defect alerts when it detects anomalies. CA Wily Manager for CA SiteMinder Web Access Manager software is used for policy-based authentication and authorization, supports multiple advanced authentication techniques, identity federation, and single sign on for web applications. CPE currently uses these CA software licenses to monitor the performance of VA information technology (IT) systems and applications undergoing testing. Data gathered during testing is used to determine if the VA IT systems and applications being tested are appropriate for operation in VA production environments. The required software maintenance shall consist of all Original Equipment Manufacturer upgrades, patches, fixes, updates and security resolutions developed by CA. The support services shall provide for the analysis, troubleshooting, and resolution of any software product-related problems or questions encountered by Government users with the specified software products. These maintenance services will ensure the current software remains operational. This effort is for services only, no new software will be procured and no software is being renewed. The period of performance for this action shall be from September 21, 2018, to September 20, 2019, with two 12-month option periods. [REDACTED]
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is 41 U.S.C. 4106(c)(2) as implemented by Federal Acquisition Regulation (FAR) 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 market research, as described in section 8 of this Justification, it was determined that limited competition is available among authorized resellers for the procurement of brand name CA software maintenance and support services. The proposed action is for the procurement of software maintenance and support services on existing VA CA software licenses held by CCPE to replicate planned and existing production systems in its test center environments. In order to ensure equivalent testing environments, it is critical that the same updated versions of the software tools are used to simulate production operations in test environments. The existing VA CA software is used to ensure a stable platform in both production systems and test center environments. Only CA software maintenance and support services provided by CA or an authorized reseller can meet the requirements as the existing software is proprietary to CA. Specifically, without access to CA proprietary source code no other source is able to provide software upgrades, patches, fixes, updates or security resolutions. Without the required maintenance and support, VA CA software is not usable by CPE in conducting its mission of providing capabilities to test and verify systems, applications, and architectures for appropriate deployment into production. Additionally, since the software is proprietary, no third party source exist that can provide analysis, troubleshooting, and resolution of the CA software product-related problems, other than an authorized CA reseller. This proprietary source code is also needed to ensure all the services provided are properly configured.

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 authorized resellers of the required CA software maintenance. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and this Justification made publically available on the Federal Business Opportunities page within 14 days after award. Additionally, the Justification will be posted on the NASA SEWP V GWAC website to notify all interested parties.

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

8. Market Research: Market research was conducted by CPE technical experts in March 2018, by searching the software product websites of [REDACTED]. Based on reviews of these companies' products and services offered, the Government's technical experts determined that none of these sources can meet the Government's requirement for CA software maintenance and support services without the aforementioned proprietary source code. Each software developer offers a proprietary system and associated services that will only operate with its respective

hardware and software. The market research revealed that only CA, or its authorized CA resellers, would be capable of meeting VA's requirements. Only CA certified software is compatible with, and can be integrated into, a proprietary CA system. Additionally, no third party vendors were found that provide analysis, troubleshooting, and resolution of any software product-related problems for CA products resellers.

The Contract Specialist (CS) conducted market research in May 2018, by using the NASA SEWP V GWAC Market Research tool to determine what vendors are capable of meeting the requirement. Based on this market research, the CS found multiple NASA SEWP V GWAC holders capable of meeting the full requirement. Therefore, limited competition is anticipated.

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.

[REDACTED]

Date: 5/17/2018

IT Specialist

Signature: [REDACTED]

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. Contract prices on NASA SEWP V GWACs have already been determined to be fair and reasonable. Price competition among numerous NASA SEWP V GWAC holders as resellers of the required software maintenance and support services is anticipated. In addition, price analysis shall be conducted by comparing the successful quote with the Independent Government Cost Estimate.

[REDACTED]

Date: 5/17/18

Procuring Contracting Officer

Signature: [REDACTED]

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

[REDACTED]

Date: 5/17/18

Procuring Contracting Officer

Signature: [REDACTED]

Approval

In my role as Advocate for Competition, based on the foregoing justification, I hereby approve the acquisition of CA Technologies software maintenance and support services on an other than fair opportunity basis pursuant to the authority cited in section four above, subject to availability of funds, and provided that the services herein described have otherwise been authorized for acquisition

Date: 5-17-18 Signature: \_\_\_\_\_

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