

## JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
23 Christopher Way  
Eatontown, New Jersey 07724
2. Description of Action: The proposed action is for a firm-fixed-price delivery order (DO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government wide Acquisition Contract (GWAC) for Adobe Systems Incorporated (Adobe) brand name software license renewals (which includes software maintenance and technical support), and Adobe professional services. Additionally, VA will have an option for the procurement of one new Amazon Web Services (AWS) brand name software license.
3. Description of the Supplies or Services: VA Office of Information and Technology, Veterans Centered Experience (VCE), Enterprise Health Benefits Determination (EHBD) program office has a requirement to renew Adobe term licenses (which includes software maintenance and technical support) for Adobe Experience Manager (AEM) Forms Software, AEM Sites Software Package, Adobe LiveCycle Software, and Digital Platform. The AEM Sites software package (includes Correspondence Management, Sites, and Forms) provides VA a content management system that creates, manages and delivers digital media content across websites, mobile sites and on-site screens available to Veterans and end users for Veterans Health Administration (VHA) enrollment. Additionally, Adobe LiveCycle and AEM Forms includes Document Security software which allows the VA to maintain Portable Document Format (PDF) enhancement, process management, interactive forms, library forms, authentication, form and workflow management, transactions, approvals, electronic signature, mobile application development, enhanced form security, electronic and postal forms delivery, content management and content access needed for VHA. AEM Digital Platform provides the ability to use existing content to develop and present consistent messaging to customers, stakeholders, Veterans, and beneficiaries. This software provides a common service that allows media content use across all of the messaging channels available to VA (Web, Email, Direct Mail, Mobile, Phone Center, Twitter, Facebook, Pinterest, etc.). It provides the Health Eligibility Center (HEC) and Health Resource Center (HRC) with the ability to schedule outreach and social media campaigns across channels, allowing VA to stagger when messages are sent out and which channel will be used. AEM Digital Platform software allows integration and management of surveys to help monitor VA's effectiveness in supporting Veterans. The usage of this software will help reduce the significant cost associated with supporting Direct Mail by providing Veterans with the opportunity to select an online option for receiving communications from the HEC and HRC. This software also tracks how effective the outreach is and develops profiles of the individuals VA interacts with. This will enable VA to reuse existing information that has already been written for the handbook and distribute them across other channels (such as email, Twitter, Facebook, etc.), ensuring consistency by eliminating the need to recreate it.

Separate from this action, EHBD is in the planning process to migrate the Enrollment System to the AWS hosted environment, with an intention to fully migrate in Fiscal Year 2019. In order to provide a hosted environment of Forms in which Adobe manages the infrastructure, EHBD is procuring a new license in the option period for AWS Federal Risk and Authorization Management Program (FedRAMP) Managed Services for AEM Handbook Publishing Bundle.

Lastly, EHBD requires Adobe professional services to install and configure the AEM Forms, LiveCycle, and Digital Platform prerequisite software, and ensure that the AWS hosted environment is configured successfully.

The Base Period of Performance is from November 22, 2017 to November 21, 2018. Option Period 1, if exercised, is from November 22, 2018 to November 21, 2019. Option Period 2, if exercised, is from November 22, 2019 to November 21, 2020. A quantity of 1,103 Adobe software licenses will be renewed in the base period. In Option Period 1, a quantity of 1,085 of the 1,103 will be renewed since 18 of these licenses will be obsolete and contains one new AWS software license. In Option Period 2 a quantity of 1,085 will be renewed. Additionally, VA will have an option for procurement of one new AWS software license during option period one. This new AWS software license can be renewed in option period two. [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 justification, it was determined that only Adobe, or one of its authorized resellers, can provide the software license renewal (which includes software maintenance and technical support), and professional services that can meet the Government's requirements. Additionally, it was determined that only AWS, or one of its authorized resellers, can provide the new license in the option period for AWS FedRAMP Managed Services for AEM Handbook Publishing Bundle. No other brand name Adobe licenses can meet all of VA's functional requirements. Specifically, no other license can meet VA's security requirements including encryption to protect personally identifiable information and Personal Health Information (PHI) and ensure it is only accessible by intended recipient. In addition, Adobe, or one of its authorized resellers, is the only brand that can provide the software license renewal (which includes software maintenance and technical support). Converting from the current commercially available off-the-shelf (COTS) Adobe software in use in the production environment to any other brand software would require a complete redesign, development, and redeployment solution architecture. Specifically, the current Adobe software communicates through a source code that is based on Adobe proprietary data. The Adobe software is vital for VA's current implementation of a single point integration of workflow, web availability, authentication, content management and form

maintenance for the online VHA application used to enroll Veterans in VA Health benefits. Utilizing any other brand name will result in loss of all currently created enrollment forms, digital information handbooks, and compatibility with VHA's Enrollment System production environment. The Adobe license renewal includes software maintenance and technical support. Only Adobe or an authorized reseller has access to Adobes proprietary code, which is needed to ensure all updates and patches are developed and pushed through, and the software is properly configured.

AWS, or one of its authorized resellers, is the only brand that can provide the new license in the option period for AWS FedRAMP Managed Services for AEM Handbook Publishing Bundle, as the solution has to be FedRamp certified. The only way Adobe licenses can work in a cloud hosting environment is through the AWS. Currently, Adobe has only accredited AWS and does not plan to accredit any other web hosting providers. No other brand name hosting services can communicate with Adobe in a cloud environment due to these proprietary constraints. VA requires a web hosting service that can ensure interoperability and compatibility with the existing Master Veteran Index (MVI) application. The current application is presently populating aspects of the Adobe licenses and through this proposed action, VA anticipates having this application fully populate these fields. The MVI application currently provides cloud hosting services only through AWS. No other brand name cloud web service can ensure interoperability between the Adobe licenses and the MVI application. Specifically, AWS operates through proprietary constraints that currently do not allow other web hosting providers.

Finally, VA requires a single source to provide both the Adobe licenses and the AWS in conjunction with professional services. Specifically, this proposed action requires creating a cloud environment between the Adobe licenses, AWS and currently fielded MVI and the Enrollment System. VA requires a single source to ensure that this effort is properly configured. If VA was to split this effort, it would result in configuration issues, invalidate the Service Level Agreement and cause unacceptable levels of latency.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. It was determined that limited competition is viable among authorized resellers. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and the justification will be posted on the Federal Business Opportunities website within 14 days of award. In accordance with FAR 16.505(a)(4)(iii)(A), the justification will be posted with the request for quotation (RFQ) on NASA SEWP.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would enable future actions to be competed. Specifically, VA will continue to monitor market trends, new/emerging products, looking for compatible resources to meet VA needs.

8. Market Research: Market research was conducted in August and October 2017 by VA technical experts to determine if sources other than Adobe or Adobe authorized

resellers can satisfy the requirement. Specifically, the Government reviewed the software and professional services plans from PerfectForms, Acquia, Drupal, WordPress, Frevvo, ExtremeForms, ProcessMaker, Microsoft, and RJS Software. Based on the review of these sources by the VA's technical experts, none of these sources are able to meet all of VA's requirements as outlined in section 5 of this justification. In addition, VA technical experts conducted Market Research to determine if sources other than AWS can satisfy the web hosting requirement. Specifically, the Government reviewed the Microsoft Azure web hosting environment. Based on the review of this source by the VA's technical experts, it was determined that it could not meet all of VA's requirements as outlined in section 5. Based on all of these market research efforts, the Government's technical experts have determined that only the combination of the aforementioned Adobe brand name software and professional services, and AWS web hosting environment, from a single source can meet all of VA's needs.

The Government used the Provider Lookup Tool on NASA SEWP in September and October 2017 and identified multiple authorized resellers with the ability to provide the Adobe and AWS requirements. Therefore, limited competition is anticipated for this effort.

9. Other Facts: None.