

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 delivery order (DO) issued under the National Aeronautics and Space Administration (NASA) Solution for Enterprise-Wide Procurement (SEWP) V Government wide Acquisition Contract (GWAC) for the renewal of software maintenance and technical support for a single perpetual license of the brand name eGain Enterprise Knowledge Management (KM) software, and additional optional tasks described below.
3. Description of Supplies or Services: The VA, Office of Information & Technology, Enterprise Program Management Office (EPMO), Benefits, Appeals and Memorials (BAM), Enterprise Access Products (EAP), Customer Relationship Management (CRM) has a requirement for the renewal of software maintenance and technical support for a single perpetual license of the brand name eGain Enterprise KM software VA previously acquired. Under this Justification, VA is not renewing licenses nor procuring any additional licenses. VA claim processors use eGain KM portals to service Veterans' inquiries at call centers and regional offices across the country and assist Veterans claims adjudicators in processing Veterans claims for benefits. The KM tool allows for a single source and version to support both internal and public facing KM portals with real-time updates performed by VA staff. The Self Service Web Sessions provide VA claim adjudication manuals and support information access to Veterans and VA stakeholders. The existing perpetual eGain Enterprise KM license includes unlimited agents for eGain Knowledge Agent, unlimited sessions for the external facing portal hits through eGain Web Self Service, and unlimited access through Application Program Interfaces (APIs) for Customer Chat deflection and the Inquiry Routing and Information System (IRIS) Widgets. Additionally, VA's eGain Enterprise KM license includes a mobile application for iPhone Operating System (iOS) and Android devices that shall require a link to KM and Chat and the Virtual Interaction Management (VIM) Digital Channel Analytic Package. The required software maintenance support shall include the same periodic updates, enhancements, and corrections to the KM software that are offered commercially. Standard technical support shall include the same enhanced self-help and search capabilities that are available commercially for the KM software. The period of performance for the software maintenance and technical support for the eGain Enterprise KM license is from June 24, 2018 to June 23, 2019, with one 12-month option period and 10 optional tasks that may be exercised at the discretion of the Government at any point during the period of performance. The maximum length of the proposed action if the option period and optional tasks are exercised is 24 months.

Optional Task 1 is for Migration/Installation of KM and Chat/Co-Browse from an on-premise environment (privately hosted) to a cloud-based environment (public/VA cloud); for example, migration of KM and Chat/Co-Browse from existing Booz Allen Hamilton (BAH) on-premise private hosting environment to a third party cloud environment. Optional Task 2 is for Migration/Installation of KM and Chat/Co-Browse from on-premise to an eGain Cloud in the event that VA does not migrate to a third party cloud environment. Either Optional Task 1 or Optional Task 2 would be exercised, but not both, depending on the future hosting platform decision.

Optional Tasks 3-6 are independent of any migration effort. Optional Task 3 is to setup a lower environment for testing with other VA systems, such as Master Veteran Index (MVI), Veterans Benefits Management System (VBMS), and Benefits Gateway Services (BGS). Optional Task 4 is for the President's White House Hotline's ability to utilize the KM extension/help capability by integrating the existing hotline software with KM. Optional Task 5 is for additional CRM (Salesforce and MSD) Integrations with eGain Knowledge Management (KM). Optional Task 6 is for 24x7 eGain professional software support including live technical support availability over phone and email, Incident management, and issue analysis and resolution 24x7; for example, in the event of latency issues with the KM application due to issues with the software outside of normal business hours, eGain will provide live technical support and issue analysis to solve the issue. Professional support is over and above the standard technical support.

Optional Task 7 is directly related to any migration to a cloud environment. Optional Task 7 is for eGain Always-On Architecture and Service in the Cloud; for example, eGain would build an architecture that does not go down due to maintenance, software patches, and hardware failure.

Optional Task 8 would be exercised in the event that a migration does not occur. Optional Task 8 is for eGain Always-On Architecture and Service On-Premises (same purpose as Optional Task 7, except this is when KM and Chat/Co-browse remain in the private hosting environment [BAH]).

Optional Task 9 is directly related to any migration to a cloud environment. Optional Task 9 is for eGain Operational and Management (O&M) Software Services; these O&M services would be required in the event of a migration to another platform.

Optional Task 10 is independent from any migration effort. Optional Task 10 is for a Version Upgrade of KM and Chat/Co-Browse on-premise in the existing 3rd party environment. The Version upgrade from v.15 to v.17 (note there was not a v.16 released) will provide improved authorizing and analytics and is required for compatibility with the eGain Always-On Architecture and Service described above, if exercised. This version upgrade is considered to be a minor software upgrade and does not constitute a new license. [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 market research, as further described in Section 8 in this justification, VA has determined that limited competition for the software maintenance and technical support is available among eGain authorized resellers. Only eGain or eGain resellers are authorized to provide maintenance and support due to proprietary constraints. Any source providing any of the aforementioned services described in Section 3 of this Justification including all Optional tasks would need access to the eGain proprietary code to ensure all services provided are properly configured to the software. The eGain software described above is vital to VA for implementation of a comprehensive and consistent view of the KM content, such as VA policy and guidelines, operational manuals, call scripts, knowledge articles and reference material, required by users to conduct VA business processes. The current KM repository consists of over 16,000 knowledge articles which are meta-tagged within eGain's proprietary software. Utilizing any other brand name software will require a complete re-authoring and reengineering of internal VA statutory manuals and reference materials, a complete re-training of the KM authors across the VA enterprise, a complete redesign of Chat and Co-Browse in order to be interoperable with the CRM applications, and system integration of the new KM and Chat/Co-Browse interfaces. This would result in extensive delivery delays and duplicated costs of over \$6M that would not be recovered through competition. This assessment of extensive duplicated costs is based on similar efforts. CRM has utilized eGain KM software since 2012 and previously purchased an Enterprise License Agreement which provided unlimited access to KM Agent Licenses and KM Web Sessions, as well as 667 Chat licenses and 165 Chat & Co-browse licenses that are currently in use.

For Optional Tasks 1 and 2, if exercised, only eGain or an eGain reseller is authorized to migrate and install the Enterprise KM license from the private hosting environment to a cloud based environment. From a compatibility perspective only eGain or an eGain reseller can access the proprietary software code to perform and conduct environment testing or perform integration efforts involving the Enterprise KM solution (Optional Tasks 3-5), utilizing any source other than eGain or an eGain authorized reseller would result in loss of vital Veteran interaction history information such as currently loaded KM articles, and data analytics. The eGain KM solution has become the sole tool for over 20,000 VA employees to provide answers to Veterans' questions and concerns online. Procuring another KM tool would cause an interruption in service and loss of vital Veteran data as the data resides in the priority eGain system and no other system would be interoperable with the existing eGain software. If another KM system were to be introduced large amounts of content would need to be transferred, tagged, and managed as well as mass trainings conducted to use the new tool. For Optional Tasks 6-9, only eGain or an eGain reseller can provide authorized software support, architecture, service and maintenance support due to the proprietary constraints

mentioned above. Additionally, for Optional Task 10, only eGain or an eGain reseller is authorized to provide version upgrades to the KM solution due to the proprietary constraints mentioned above.

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), the award notice for this action will be synopsisized on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available 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 V GWAC holders.

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, CRM will continue to monitor market trends, new/emerging products, looking for compatible and more advanced technologies to meet VA needs.

8. Market Research: Market research was conducted in March 2018 by VA technical staff through extensive internet research regarding eGain Enterprise KM and other Web Session software to determine if sources other than eGain or eGain authorized resellers can satisfy the requirement. The Government's technical experts reviewed similar software and services from Oracle, Parature (wholly owned subsidiary of Microsoft), Pega, and Talisma. As a result of the market research, the technical experts confirmed that while other sources possess general capabilities needed to provide similar capabilities for their respective products, no other source was found that could provide the required software maintenance and technical support without access to eGain's proprietary code. Additionally, no other source is compatible with the existing eGain KM software. As a result of the aforementioned market research, VA intends to issue RFQ 36C10B18Q2884 on NASA SEWP. The requirement discussed herein has been found to be within scope of the NASA SEWP GWAC in a separate determination. Market research conducted using the Provider Lookup Tool on NASA SEWP in May 2018 identified multiple eGain authorized resellers.

9. Other Facts: N/A