

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 issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC), for the procurement of GitHub.com licenses with technical and maintenance support.
3. Description of Supplies or Services: VA Office of Information and Technology (OI&T) Enterprise Program Management Office (EPMO) requires GitHub.com Licenses with technical and maintenance support. GitHub enables code collaboration, version control and review to be built into the development process. Teams can share work, discuss changes and get feedback all in one place. VA requires 500 licenses to support the existing number of software developers and administrators working on Vets.gov and Caseflow/Appeals Modernization projects. Each license enables one VA user to access and manage repositories stored on the GitHub.com server, and enables code collaboration, version control and review to be built into the development process which will ensure the VA Digital Service (DSVA) can effectively support current projects using GitHub.com version control to build and track all changes to open source code that (when appropriate) is then made available to the public thereby meeting the Office of Management and Budget (OMB) Memorandum M-16-21. The license subscriptions include technical support, maintenance, and ongoing software updates/upgrades. Four 12-month option periods will be included to renew the license subscriptions, technical support and maintenance. [REDACTED]
[REDACTED]
4. Statutory Authority: The statutory authority permitting this 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 8 of this document, it was determined that limited competition is viable among authorized resellers for the brand name GitHub.com licenses and support. VA OI&T EPMO has a requirement for open source code developed by DSVA to be made securely available outside of the VA Firewall in accordance with OMB Memorandum M-16-21 which mandates at least 20 percent of source code be released as open source software. DSVA has been using GitHub.com for the past three years creating repositories that store thousands of

lines of VA source code, documentation on change history, project issues, audit trails and design decisions organized into various versions and branches of application code that support collaborative coding across development teams. DSVa provides specific, secure repositories where open source code is published to other federal agencies and the public for reuse and collaboration. The Development teams currently using this GitHub offering utilize a wide array of other development tools that are fully compatible and tightly coupled with GitHub's source control management framework. Specifically, DSVa utilizes ZenHub, a tool which provides the framework for managing and controlling user stories for development sprints and an extensive requirements backlog. Based on the market research detailed below, no other solution exists that is fully interoperable and compatible with all of the existing development tools utilized by DSVa. Therefore, in addition to data loss and production outages resulting from migration to a solution other than GitHub, implementing and transitioning to any other brand solution will result in the need for existing development teams to change their development tools and processes which will significantly hamper and stall ongoing development and production activities resulting in loss of service to Veterans. In addition, no other source can provide the required technical support and maintenance of DSVa's GitHub software without access to GitHub's proprietary source code. Access to this code is required to ensure all the services provided are properly configured. DSVa depends on Github.com to store and manage infrastructure as a code. Additionally, automated test scripts and code reviews are generated and processed by Github. Accordingly, without Github.com, DSVa's integration and automation services will fail causing disruption and outages to existing Veteran facing sites and services.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this justification. This effort did not yield any additional sources that can meet the Government's requirements. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the resultant delivery order will be synopsisized and the justification will be made publicly available on the Federal Business Opportunities Page within 14 days of award of the order. In addition, prior to exercising the option periods, VA will perform market research to ensure market conditions have not changed.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the Government will continue to perform market research to determine if there are any new products or maintenance services available that will fulfill the Government's need.

8. Market Research: DSVa performed an initial review in early FY16 and determined that Github.com was the best solution available. These findings were then validated through the market research that was conducted by VA technical experts from August through November of 2017. The team looked at Apache Subversion, Microsoft Team Foundation and PVCS Version Manager. None of these products are fully compatible or interoperable with the existing GitHub Software as a Service and don't offer compatibility with the wide variety of software

development tools in use by DSVA. Additionally, there is no other tool that provides the robustness and automation that is being utilized by DSVA. Additionally, Github has been approved for use by the VA Chief Information Officer and any deviation would require many months of evaluation to obtain approval for use.

In June 2018, the Contract Specialist conducted market research to ascertain the extent of limited competition among resellers. Through the use of the Provider Look-up tool on the NASA SEWP V GWAC website, seven Service-Disabled Veteran-Owned Small Businesses (SDVOSBs) were identified as resellers of the required GitHub.com Licenses. Therefore, limited competition is anticipated.

9. Other Facts: None.