

Justification for Other than Full and Open Competition
Coordination Matrix



7/31/18

Jeff Bishop	Date	Concur/Non-Concur
Director Technology Acquisition Center-Austin (0032B2H) Office of Acquisition Operation 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 - Austin
1701 Directors Blvd, Suite 600
Austin, Texas 78744

2. Description of Action: The proposed action is for a firm-fixed-price task order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government-wide Acquisition Contract (GWAC) for International Business Machines (IBM) WebSphere Application Server annual software maintenance and support services.

3. Description of the Supplies or Services: VA, Office of Information and Technology (OI&T), Information Technology Operations and Service (ITOPS), Infrastructure Operations (IO) has a requirement for software maintenance and support services, including minor updates and patches for IBM software licenses that are currently in use within the VA on the WebSphere Enterprise Service Bus (ESB) Service Oriented Architecture (SOA) system. The Contractor shall provide one telephone number and/or a point of contact for the VA to utilize for maintenance service calls. The Contractor shall interface with the designated COR or his delegated representative in tracking and reporting service call tickets. The maintenance is required to ensure the software remains operational. No software will be renewed or procured under this proposed action. The period of performance shall be from September 1, 2018 through August 31, 2019, and will include one 12-month option period. The total estimated value is \$4,923,938.05, inclusive of the option year.

4. Authority Cited: 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 source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized."

5. Rationale Supporting Use of Authority Cited Above: Based on market research, as described in Paragraph 8 of this document, VA has determined that limited competition is viable among authorized resellers. IBM is the Original Software Developer (OSD) of the Websphere software. The IBM WebSphere Enterprise Service Bus (ESB) Service-Oriented Architecture (SOA) is a proprietary software product; therefore no other software provider has the proprietary code to perform the necessary maintenance. Only IBM or an authorized reseller can provide the necessary software maintenance and updates, because of the propriety source code required to develop and implement software updates. This code is also needed to ensure all services provided are properly configured. The current IBM Websphere ESB SOA system is currently used in the VA enterprise and supports VA's mission to implement shared health care

capabilities across the enterprise in co-located data centers. Due to the proprietary nature of the IBM Websphere ESB SOA, software updates, patches, maintenance and software support must be licensed in order to seek assistance from IBM to resolve technical problems. Since the currently fielded IBM WebSphere ESB SOA system is comprised of IBM brand name software, VA requires continued software maintenance support compatible with the existing IBM Websphere software

Only IBM Websphere can meet all of the VA's needs. No other brand name license is compatible or interoperable with the existing IBM Websphere proprietary software application. Maintenance provided by any other brand device would not allow for access to IBM Websphere software as well as software updates patches, software support, and maintenance included in the required premium level technical support.

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, the undersigned VA technical representative determined that limited competition is available among authorized resellers for brand name Salesforce licenses, as well as software maintenance and support. In accordance with FAR 16.505(a)(4)(iii)(A)(1), this justification will be provided with the solicitation to all appropriate NASA SEWP V GWAC holders. Furthermore, in accordance with FAR 5.301, 16.505(b)(2)(ii)(D), and 16.505(a)(4)(iii), the award notice for this action will be synopsisized on the Federal Business Opportunities website and this justification will be made publicly available within 14 days of award.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed.

8. Market Research: In May 2018 the Government's technical experts conducted market research by reviewing all other known similar software providers that provide similar maintenance and technical support. Specifically, the technical experts reviewed Oracle, Microsoft BizTalk, and Open ESB. All of these software maintenance plans lack the access to the proprietary data and source code necessary to provide the maintenance required to sustain this system. Based on a review of these products, the Government's technical experts determined that none of these other brands can meet VA's interoperability IBM WebSphere licenses requirements outlined in Section 5 of this Justificaton. The technical experts confirmed that the brand name IBM are the only products that can provide the required maintenance and professional support. The services requires access to the proprietary code and processes that only the IBM OSD or its authorized reseller can access.

The Contract Specialist (CS) conducted market research in July 2018 by using the NASA SEWP V GWAC Market Research Tool and found several resellers capable of meeting this requirement.

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.

Allison Cox

Date: 8/1/2018

Program and Management Analyst

Signature: Allison Cox

11. Determination of Best Value: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based upon adequate competition among NASA SEWP V GWAC holders who are authorized resellers of the required IBM software maintenance described herein. Pricing for products awarded on NASA SEWP V GWAC have already been determined to be fair and reasonable. Additionally, price competition is expected among authorized resellers for this action. Additional price analysis may be performed in accordance with FAR 15.404-1(b).

Lino Vera

Date: 8-1-2018

Procuring Contracting Officer

Signature: [Handwritten Signature]

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

Lino Vera

Date: 8-1-2018

Procuring Contracting Officer

Signature: [Handwritten Signature]

Approval

In my role as Advocate for Competition, based on the foregoing justification, I approve the acquisition of brand name IBM WebSphere Application Server software maintenance and software support. This action will be issued on an other than fair opportunity basis pursuant to the authority cited in paragraph 4 above, and provided that the services herein described have otherwise been authorized for acquisition.

Date: 8-2-18

Signature: 

Ronald J. Bakay
Advocate for Competition
Technology Acquisition Center
Office of Procurement, Acquisition and
Logistics