

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 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 Enterprise licenses with technical and maintenance support.
3. Description of Supplies or Services: VA, Office of Information and Technology (OIT), Enterprise Program Management Office (EPMO), Project Special Forces requires GitHub Enterprise Licenses with technical and maintenance support. GitHub Enterprise is the on-premise version of GitHub. GitHub Enterprise is designed for use by large-scale enterprise software development teams where the enterprise wishes to host its repositories behind a corporate firewall. 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. In support of VA's transition to an agile software development enterprise, VA requires GitHub Enterprise licenses. VA OIT EPMO has a requirement to migrate its existing source control management system to a secure solution protected by the VA Firewall without any loss of data, work disruption and/or production impacts that would delay or stop services to Veterans. Many VA software development initiatives demonstrated success and have extensive, existing repositories of data stored in the GitHub Software as a Service (SaaS) offering, all of which need to be migrated to new repositories behind the VA firewall to improve software security. VA currently has over 400 existing GitHub (data storage) repositories maintained in the GitHub SaaS offering. These repositories are used by over 450 users organized into over 80 different project teams using a wide variety of software development tools that are fully compatible with the GitHub SaaS product. These repositories store millions 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. GitHub Enterprise repositories are fully interoperable and compatible with the GitHub SaaS repositories, which is a requirement for the migration. VA initially requires 5,000 licenses to support the existing number of software developers and administrators working applications that are to be migrated to GitHub Enterprise within the next 12 months. Each license enables one VA user to access and manage repositories stored on the GitHub Enterprise server, and includes technical support, maintenance, and access to software updates/upgrades for 12 months and GitHub learning lab. Three 12-month option periods will be included to renew the initial 5,000 license subscriptions, technical support and

maintenance. An optional task will also be included to procure additional licenses throughout the four year period of performance (PoP) up to a total ceiling of 35,000 licenses. Along with an optional task for additional software, this proposed action will include the ability to renew any of the optional software procured within the PoP of the overall order. The option periods and optional task for additional licenses are required to ensure VA can effectively support its transition to GitHub Enterprise over the next four years, which is anticipated to involve the migration of several hundred applications supported by thousands of VA software developers and administrators. In addition, VA requires a four year effort because VA anticipates utilizing the GitHub repositories and development tools, and software that the GitHub software will run and operate on for a minimum of four years. The GitHub repositories and development tools and software are currently fielded and meeting VA's needs.

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 section 8 of this document, it was determined that limited competition is viable among resellers for the brand name GitHub Enterprise licenses and support. GitHub Enterprise is the only source control management system that is fully interoperable and compatible with the current code stored in the GitHub SaaS repository. Interoperability and compatibility is a requirement for the migration to ensure all existing data and documentation currently residing in the GitHub SaaS repositories can be migrated behind the VA firewall without data loss or impact to ongoing development activities and production services. No other brand name source control management software can support a seamless transition without data loss and extensive reconfiguration activities that will halt development activities and cause production disruptions and outages. Specifically, use of any other brand name software will result extensive reconfiguration, redevelopment, and redesigning of the existing code that is currently only stored in the GitHub repository. These efforts consist of going through millions of lines of existing code and reprogramming it to function in a new repository. Based on the existing code structure, VA anticipates that this reconfiguration, redevelopment, and redesigning will take at least two years, costing in excess of \$4.75 million in labor and resulting in extensive duplicated costs that would not be recovered through competition. Furthermore, moving the existing code stored on the GitHub repositories will result in data corruption based on the proprietary elements that the existing repositories use to store the code. The existing code was written on the GitHub repository and cannot be transferred to another brand name solution without the extensive reconfiguration, redevelopment, and redesigning as outlined above.

Many of the applications migrating to GitHub Enterprise over the next four years provide critical services to Veterans. These mission critical applications, including Vets.gov, Caseflow, Vets360, Identity Access and Management, Loan Guaranty, and Veterans Appeals Control and Locator System, among many others, are heavily utilized by both Veterans directly, and by VA Staff providing services to Veterans on a 24x7x365 basis. Any loss of source code and related data described above will halt critical development activities supporting and maintaining these applications, and require extensive reconfiguration and recovery efforts. During that period, production software systems cannot be updated or repaired if bugs are discovered, resulting in data corruption and inaccurate information being stored and acted upon while serving Veterans. It will also result in a delay or complete stoppage of new services being rolled out, or fixes to known problems being implemented. These interruptions in service delivery to Veterans is unacceptable.

Additionally, more than 80 VA development teams currently using the GitHub SaaS offering use a wide array of development tools including Circle CI, Jenkins, and Ansible that are only fully compatible and tightly coupled with GitHub's source control management framework. No other solution exists that is fully interoperable and compatible with all of the existing development tools. Specifically, use of any other brand name software will result in extensive reconfiguration, redevelopment, and redesigning of these existing development tools, causing extensive delivery delays and duplication of costs including labor in excess of \$3.25M that would not be recovered through competition. Therefore, aside from data loss and productions outages resulting from migration to a solution other than GitHub Enterprise, implementing and transitioning to any other brand solution behind the VA firewall will result in the need for development teams to change existing development tools and processes which will significantly hamper and stall ongoing development and production activities; thus, resulting in loss of service to Veterans. In addition, no other source can provide technical support and maintenance and GitHub Learning Lab built on the GitHub platform without access to GitHub's proprietary source code. Access to this code is required 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, the undersigned VA technical representative determined that limited competition is available among resellers for brand name GitHub Enterprise Licenses 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: 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: Market research was conducted by VA technical experts in July of 2018 which included extensive internet research (online documentation, customer testimonials, other Government implementation experience and our internal VA evaluation) of other brand enterprise source control management systems in the market. The VA team looked at Apache Subversion, Microsoft Team Foundation, and Polytron Version Control System Version Manager. No other enterprise class products were identified that are fully compatible or interoperable with the existing GitHub SaaS and GitHub Learning Lab offering to support seamless migration of existing data and documentation off of the existing GitHub platform. Further, none of these products offer 100 percent compatibility with the wide variety of software development tools including Circle CI, Jenkins, and Ansible in use by the more than 80 VA project teams currently using the GitHub SaaS solution today.

In July 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, eight Service-Disabled Veteran-Owned Small Businesses were identified as resellers of the required GitHub Enterprise Licenses, technical and maintenance support, and GitHub Learning Lab. Therefore, limited competition is anticipated.

9. Other Facts: None.