

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Procurement Acquisition and Logistics (OPAL)  
Technology Acquisition Center  
23 Christopher Way  
Eatontown, NJ 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 Government Wide Acquisition Contract (GWAC) for the procurement of data extraction software.
3. Description of the Supplies or Services: The proposed action is to provide two brand name Astera ReportMiner server licenses and 50 Astera ReportMiner client licenses. VA Office of Information & Technology Information Tennessee Valley HealthCare System requires data extraction software so it can quickly and easily extract data from printed documents like reports, bank statements, and invoices in popular formats such as PDF, PDF forms, PRN, TXT, XLS, and XLSX in order to integrate them into their database and leverage them for operations and business intelligence needs. ReportMiner saves significant human resource time, freeing up resources for more important work. The total estimated value of the proposed action is [REDACTED]
4. Statutory Authority: The statutory authority permitting exception to fair opportunity is Section 41 U.S.C 4106(c)(2) as implemented by Federal Acquisition Regulation (FAR) 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 described in section 8 of this document, it was determined that limited competition is available among authorized resellers for this requirement. VA originally contracted for Astera ReportMiner to allow VA staff to quickly and easily extract data from printed documents like reports, bank statements, and invoices in popular formats such as PDF, PDF forms, PRN, TXT, XLS, and XLSX so that it can be integrated into their database and leveraged for operations and business intelligence needs. Astera ReportMiner is the only brand name software that is interoperable and compatible with the existing infrastructure, specifically, the existing Astera platform already in place. No other brand can provide the interoperability with existing platform, without disrupting office productivity. Use of any other brand name software would require this existing infrastructure to be replaced, which would result in extensive duplicate cost and disruption of service that would not be recovered through competition. In addition, utilizing software other than Astera would require a complete code rewrite of Astera protocols already in place, which in turn would not be interoperable with the existing Astera software currently operating at VA. Therefore only brand name Astera software can fulfill the Government's needs.

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. It was determined, however, that limited competition is anticipated among authorized resellers for this brand name Astera software on the NASA SEWP V GWAC. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will not be synopsisized at award on the Federal Business Opportunities Page as the total value of this effort is below the simplified acquisition threshold. In accordance with 16.505(a)(4)(iii)(A), this Justification for an Exception to Fair Opportunity will be posted on the NASA SEWP V website with the solicitation.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to perform additional market research so that other solutions can be considered.

8. Market Research: In July 2018, the Government technical experts conducted market research to determine if there are viable sources other than Astera who could provide the data extraction software needed for this requirement. Competitors such as ActivePDF, Monarch by Datawatch and Infrd OCR were analyzed. Although other sources possess similar capabilities to provide the required data extraction software, only Astera, or an authorized reseller, has the proprietary source code necessary to ensure interoperability with the current VA Astera platform; therefore these other vendors are not able to provide a product that is compatible with existing platform. Additional market research was conducted on July 30, 2018 by issuing a Request for Information (RFI) on the NASA SEWP V GWAC to determine whether brand name Astera software is available from resellers that hold NASA SEWP V contracts. The RFI resulted in responses from two (2) Vendor Information Pages (VIP) verified Service Disabled Veteran-Owned Small Business (SDVOSB) sources, RedHawk IT Solutions and TechAnax, and one (1) VIP verified Veteran-Owned Small Business (VOSB) source, NAMTek. The Government technical expert reviewed the responses and determined that the two (2) SDVOSBs are able to provide the required software licenses and support. On July 31, 2018, additional market research was conducted by utilizing the NASA SEWP V GWAC Provider Look-up Tool which confirmed that there are three federal registered partners for Astera on the NASA SEWP V GWAC, including one (1) verified VIP SDVOSB and (1) verified VIP VOSB. In addition, NASA SEWP V GWAC is a dynamic GWAC in which products can be added to vendor catalogs based on customer requests on as frequent as a daily basis, as long as the required IT item is within scope of the NASA SEWP V GWAC. Based on the analysis of the responses, there is a reasonable expectation that limited competition exists on the NASA SEWP V GWAC for the required Astera ReportMiner licenses. Finally, the Government's technical experts contacted Astera July 2018, to inquire whether its source code was for sale. Astera confirmed that the source code is proprietary and not for sale.

9. Other Facts: None.