

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: This proposed action is for a firm-fixed price delivery order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC).
3. Description of Supplies or Services: The Department of Veterans Affairs (VA), Office of Information and Technology (OI&T), Infrastructure Operations (IO) office requires the procurement of brand name Serena Software, Inc. (Serena) software maintenance. This software maintenance will allow VA IO to receive software maintenance support to include major releases, point releases, service releases and security releases of applicable software on a quarterly basis, and within 48 hours in cases in which a high-risk vulnerability fix becomes available. The software maintenance is required to ensure two Serena Comparex software licenses remain operational. For the proposed action, the period of performance is 12 months from date of award and the estimated price is [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 Federal Acquisition Regulation (FAR) Section 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: More than one awardee is capable of providing the supplies or services required, but fair opportunity is limited by restriction to a brand name. Serena software provides enhanced data comparison services to assist in eliminating processing errors which could result in missed or duplicate payments to veterans, widows and/or orphans. Only Serena or an authorized reseller can provide the necessary software maintenance support because of the propriety source code required to develop and implement software updates. No other source is capable of providing the required software maintenance that meets IO's unique functional requirements. In addition, a prior implementation of the Serena software licenses already exists in IO. Acquisition of a different product, even if another one existed with qualifications that met IO's stated functional needs, would require multiple support costs if the Serena software licenses were abandoned in favor of a different product and IO would need to re-purchase the initial software licenses previously purchased. No other license is compatible or interoperable with the existing Serena proprietary database structures, protocols, and software application programming interfaces. Without access to the proprietary source code, existing proprietary database structures, protocols, and software application programming interfaces, software updates cannot be installed, which could result in the data center infrastructure functioning eventually with an outdated and unsupportable software version. Operating with outdated and unsupportable software will result in providing less functionality to the end users utilizing the IO infrastructure. The brand name Serena software maintenance is the only software maintenance that meets the Government's requirements.
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, it was determined that limited competition is viable among resellers for this brand name item. Although the Government is limiting competition, it is anticipated that there will be several authorized resellers of this product on the NASA SEWP V GWAC. In accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be submitted with the Request for Quotation to all four NASA SEWP V GWAC contract groups in order to fully notify all interested parties. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D) this action will not be synopsisized and the justification will not be made publicly available within 14 days of award on the Federal Business Opportunities Page as the total value of this effort is below the simplified acquisition threshold.

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 fully competed.
8. Market Research: The Government's technical personnel conducted market research during April 2018, which consisted of a review to identify similar software maintenance products to ascertain if these items could meet VA's requirements. Specifically, the Government's technical experts conducted web-based research of Computer Associates Technology and Oracle products. As a result of the market research, the technical experts confirmed that the source code required to issue the updates is proprietary, no other firm has the capability of developing and issuing software updates for Serena software necessary to support existing IO requirements. All of the products researched were unable to meet the functional requirements for keeping the Serena software updated to maintain functionality and support. Additionally, none of these other software products could meet IO's interoperability and compatibility requirements. Based on all of these market research efforts, the Government's technical experts have determined that only the Serena brand name software maintenance support can meet all of IO's needs.

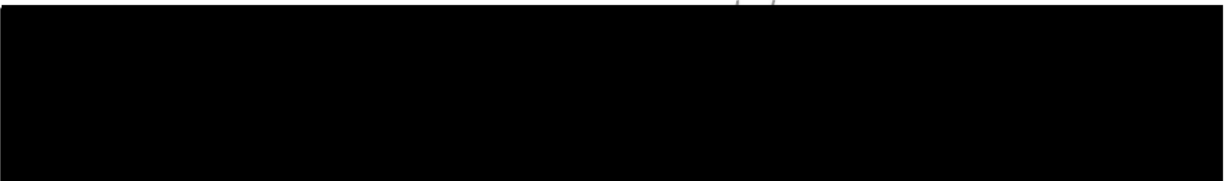
Additional market research was conducted in April 2018 utilizing the NASA SEWPV Provider Lookup Tool. There is reasonable expectation that limited competition exists on the NASA SEWP V GWAC for the Serena brand name software maintenance. Additionally, NASA SEWP V has a dynamic catalog where line items can be added based on customer requests; therefore, as long as the required item or service is within scope of the IO FY18 Software Maintenance for Serena Software NASA SEWP V contracts, items and services can be added to the catalog on a daily basis.

9. Other Facts: N/A

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.



11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable because NASA SEWP GWAC prices have previously been determined fair and reasonable, and price competition is expected among authorized resellers for this action. Additionally, the successful quote will be compared with the Independent Government Cost Estimate.



12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$700,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

