

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Procurement, Acquisition and Logistics
Technology Acquisition Center
23 Christopher Way
Eatontown, NJ 07724
2. Description of Action: The proposed action is for a firm-fixed price contract with NearStar, Inc. (NearStar), to upgrade the maintenance support for the NearStar platform, and to procure professional services in support of IT Operations Services (ITOPS) Print Production operations.
3. Description of Supplies or Services: The proposed action is to acquire professional services to analyze output print files for new and existing ITOPS customer applications. This includes configuring, converting, formatting, and coding efforts for print output jobs that will be processed by the current NearStar DataSever Print Production infrastructure, which consists of the NearStar DataServer, ATOM and JES DataGateway. The Contractor shall create modules to support onboarding applications that may not have current functionality to integrate with the NearStar software platform and print infrastructure at each of the ITOPS Data Centers. Additionally, this action is to upgrade maintenance support on the existing NearStar DataServer Manager, NearStar ATOM and NearStar JES DataGateway software licenses from Monday through Friday support to 24x7 maintenance and technical support. NearStar's software is currently installed and in use at three (3) different Data Centers within ITOPS. The NearStar software is a foundational component that enables the centralization of print and the financial management for Print Production billing. The NearStar suite provides a multi-print data format input platform that integrates both mainframe and Secure File Transfer Protocol inbound data files and standardizes output into a uniform format which reduces production costs. The NearStar platform also provides a user interface to manage production; reroute work to alternate locations; print file testing and review; and historical /archive information. Under this effort, the Contractor shall ensure that print jobs are configured and converted from Line Conditioned Data Stream, Word, PostScript, Text and PDF files to Print Ready jobs that support the current NearStar architecture for ITOPs Print Production. The maintenance and technical support shall include upgrades and bug fixes, as well and remote and on-site technical support. The period of performance will include a 12-month base period with four (4) 12-month option periods for a continuation of the professional services and to renew the 24x7 maintenance support subscription. An optional task will also be included in each period of performance for additional print job conversions. The option periods are required as the print conversion services and maintenance renewals are a known, reoccurring requirement and will be required for a minimum of 5 years. [REDACTED]

4. Statutory Authority: The statutory authority permitting other than full and open competition is 41 U.S.C. 3304(a)(1) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

5. Rationale Supporting Use of Authority Cited Above: The proposed source for this action is NearStar, 410 East Main Street, Lewisville, Texas 75057. This effort requires Contractor services to analyze new and current print job applications and provide custom coding and/or modules to enable them to utilize the currently deployed NearStar platform for standardized production printing. The required print conversion activities vary from job to job as not all VA data is similar and is based on what programmer owns it, the language its programmed in, and the system it comes from. Therefore, VA requires a Contractor to analyze each print job application, and develop the custom coding or module required to integrate each application with the existing NearStar platform for standardized production printing operations. Once integrated, the NearStar platform will have the ability to receive the print job data in its native format, such as LCDS, Word, Text, Post Script, and PDF files, from a customer, automatically convert this data to a standard Print Ready format, and push that data to be printed at any VA printing location. Due to the proprietary nature of the existing NearStar platform, only NearStar is capable of developing the code required to integrate these new and existing print job applications with the existing platform. The NearStar source code contains scripts and proprietary programming that execute and process steps required to create the print output, and each script is unique based on print file source data. Therefore, the custom code and/or modules required to support the integration and onboarding of new and existing print job applications into the NearStar software platform and print infrastructure must be compatible and interoperable with the existing NearStar scripts and proprietary programming. As such, no other source is capable of providing these services. Using any other source other than NearStar would necessitate the total reconstruction of VA's existing print job management solution resulting in a significant delay to critical, ongoing print production services directly supporting the timely processing of Veteran's benefits, as well as duplicative costs that would not be recovered through competition.

Additionally, this effort will provide for an upgrade to 24x7 maintenance support on the existing NearStar software licenses which is required to more effectively support the NearStar platform as ITOPS continues to bring on mission critical applications. Access to NearStar's proprietary source code is required to provide the necessary 24x7 maintenance support which will include upgrades and bug fixes, as well and remote and on-site technical support. NearStar owns the source code and copyrights to its software, and is the only company that has the ability to make changes to it. Further, NearStar will not provide its source code or technical data specifications to outside entities and does not have authorized resellers of its software and maintenance support.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. This effort did not yield any additional sources that can meet the Government's requirements. There is no competition anticipated for this acquisition. Additionally, the proposed action will be synopsisized on the Federal Business Opportunities Page in accordance with FAR 5.201. Any proposals that are received shall be evaluated.

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: A Request for Information (RFI) was released on the Federal Business Opportunities website on July 16, 2018, to identify potential sources capable of providing the required conversion services as well as the required NearStar maintenance support upgrade. The RFI closed on July 23, 2018, and one (1) capability statement was submitted in response to the RFI, which was from NearStar. The capability statement indicated that NearStar is the current provider of NearStar DataServer, ATOM, and JES DataGateway, and owns the source code and copyrights, and is the only company that has the ability to make changes to it as it does not provide its source code to outside entities. The capability statement was reviewed by the Government's technical expert and it was determined that NearStar is capable of providing the required maintenance support and professional services. Additionally, the contract specialist contacted NearStar in August 2018, and NearStar confirmed that it will not provide or sell its source code or technical data specifications to VA or any other outside entity. Based on the results of the RFI, no other vendors other than NearStar were identified that could meet the Government's requirements; therefore, this effort will be conducted on a sole source basis with NearStar.

9. Other Facts: None.