

**LIMITED SOURCES JUSTIFICATION
ORDER >\$3,000
FAR PART 8.405-6(g)**

2237 Transaction # or Vista Equipment Transaction #: 673-12-4-7035-0046

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

Restricted to the following source: Provide original manufacturer's name for material or contractor's name for service. (If a sole source manufacturer distributes via dealers, ALSO provide dealer information.)

Manufacturer/Contractor: Executive Information Systems, LLC

Manufacturer/Contractor: (301) 581-4361

Mfgr/Contractor Address:

6901 Rockledge Drive, Suite 600

P.O. Box 34076

Bethesda, MD 20827-0076

Dealer/Rep address/phone number: (301) 581-4361

☒ The requested material or service represents the minimum requirements of the Government.

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs

13000 Bruce B Down

Tampa FL 33612

VISN:

8

(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

SAS Software maintenance upgrades and support

(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:

SAS Software maintenance upgrades and support required to bring existing SAS software up to date.

(b) ESTIMATED DOLLAR VALUE: \$55,851.06

(c) REQUIRED DELIVERY DATE: 09/15/2012

(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE. (CHECK ALL THAT APPLY AND COMPLETE)

☒ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

SAS Institute Inc. ("SAS") is the sole manufacturer and publisher of SAS software (the "Software") in the United States. For government customers located in the United States, SAS is the sole source for new Software licenses, excluding licenses for JMP® software, except in the following circumstances:

1) Eligible government entities may license the Software and obtain subsequent maintenance from an authorized reseller of the Software. Currently, Executive Information Systems, LLC ("EIS") with offices at 6901 Rockledge Drive, Suite 600, Bethesda, Maryland 20817, is SAS' sole authorized reseller for Version 8 and later of the Software and subsequent maintenance to such government entities. EIS may license the Software and sell subsequent maintenance under the United States General Services Administrative ("GSA") schedule held by EIS, other approved federal schedule contracts, or terms approved by SAS. Under certain circumstances and upon SAS' prior approval, EIS may allow certain third parties to resell Software to government entities on GSA terms.
2) Notwithstanding the foregoing, upon approval from SAS, local government entities with populations below a certain threshold (100,000 people for cities and towns or 250,000 people for counties and parishes) may obtain first year license rights for an annual license of the Software through select third party resellers. However, the renewals for such licenses are available solely through SAS.

☐ A patent, copyright or proprietary data limits competition. The proprietary data is:

☐ These are "direct replacements" parts/components for existing equipment.

☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

☐ The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

☐ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

SAS software is one of several software tools used by the TAMPA COE. SAS software is used for the majority of funded and unfunded research projects. Research activities may cease without SAS software maintenance upgrades and support. The total cost to the Government will be \$55,851.06 with 1 year option. FAR subpart 8.404 (d) GSA has already determined the prices of supplies and fixed-price services, and rates for services offered at hourly rates, under schedule contracts to be fair and reasonable. Therefore, ordering activities are not required to make a separate determination of fair and reasonable pricing, except for a price evaluation as required by 8.405-2(d). By placing an order against a schedule contract using the procedures in 8.405, the ordering activity has concluded that the order represents the best value (as defined in FAR 2.101) and results in the lowest overall cost alternative (considering price, special features, administrative costs, etc.) to meet the Government's needs. FAR subpart 8.402

(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

Requested budgetary quote from Sole GSA contract holder Executive Information Systems, LLC. Request For Information (RFI) submitted in NASA SEWP IV with negative results from 28 vendors.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

See attached manufacture sole source justification for approval of EAS as sole distributor of software and service.

(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

The Government shall post a notice on Federal Business Opportunities that permits prospective vendors to submit their respective technical capabilities solely for consideration in future acquisitions for the similar supplies and services.

(9) REQUIREMENTS CERTIFICATION: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

WILLIAM A.

LAPCEVIC 417623

Digitally signed by WILLIAM A. LAPCEVIC 417623
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=william.lapcevic@va.gov,
cn=WILLIAM A. LAPCEVIC 417623
Date: 2012.09.10 16:33:08 -0400

9/5/2012

SIGNATURE

DATE

William Lapcevic

Health Science Specialist

Research

NAME

TITLE

SERVICE LINE/SECTION

673

FACILITY

(10) APPROVALS IN ACCORDANCE WITH FAR 8.405-6(h):

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Ronald D. Music
CONTRACTING OFFICER'S SIGNATURE

11 Sep 2012
DATE

Ronald D. Music
NAME AND TITLE C.O. / TEAM LEAD

JANUARY TAMPA.
FACILITY

b. PRODUCT LINE SUPERVISOR (up to SAT): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief. **This signature may be the VISN NCM/PCM if the Contracting Officer and Contracting Supervisor is the same individual.*

Michael Wilg
SIGNATURE

11 Sep 12
DATE

Michael Wilg
NAME AND TITLE



September 5, 2012

William Lapcevic (William.Lapcevic@va.gov)
US Department of Veterans Affairs

Re: License of SAS Institute Inc. Software

Dear Mr. Lapcevic:

Pursuant to your request, this letter confirms that SAS Institute Inc. ("SAS") is the sole manufacturer and publisher of SAS[®] software (the "Software") in the United States. For government customers located in the United States, SAS is the sole source for new Software licenses, excluding licenses for JMP[®] software, except in the following circumstances:

- Eligible government entities may license the Software and obtain subsequent maintenance from an authorized reseller of the Software. Currently, Executive Information Systems, LLC ("EIS") with offices at 6901 Rockledge Drive, Suite 600, Bethesda, Maryland 20817, is SAS' sole authorized reseller for Version 8 and later of the Software and subsequent maintenance to such government entities. EIS may license the Software and sell subsequent maintenance under the United States General Services Administrative ("GSA") schedule held by EIS, other approved federal schedule contracts, or terms approved by SAS. Under certain circumstances and upon SAS' prior approval, EIS may allow certain third parties to resell Software to government entities on GSA terms.
- Notwithstanding the foregoing, upon approval from SAS, local government entities with populations below a certain threshold (100,000 people for cities and towns or 250,000 people for counties and parishes) may obtain first year license rights for an annual license of the Software through select third party resellers. However, the renewals for such licenses are available solely through SAS.

Sincerely yours,

A handwritten signature in cursive script that reads 'Sandra Finerghy'.

Sandra Finerghy
Government Operations

100.10.AEW018/22OCT08