

JUSTIFICATION AND APPROVAL
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
260 Industrial Way West
Eatontown, NJ 07724
2. Description of Action: This 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) IV Government Wide Acquisition Contract (GWAC) for an enterprise agreement for Adobe Acrobat Professional (PRO) software licenses, upgrades to existing Adobe Acrobat Standard and Adobe Acrobat PRO software licenses, and maintenance for all the Adobe Acrobat PRO software licenses currently in use across VA. Delivery of the software licenses and updates will occur within 30-days after receipt of order. The software maintenance and support will be provided for a period of 12-months from receipt of order.
3. Description of Supplies or Services: VA requires an enterprise agreement which consists of Adobe Acrobat software upgrades, software maintenance for the Adobe Acrobat software licenses currently deployed throughout VA, and options to procure additional Adobe Acrobat Pro software licenses to support future needs. Specifically, VA requires software upgrades to Adobe Acrobat PRO X for all existing Adobe Acrobat software licenses currently in use throughout VA, and software maintenance which includes updates to existing Adobe Acrobat products as well as 24x7 help desk support. Additional Adobe Acrobat PRO X licenses are required to meet the demands of VA's growing enterprise. The total estimated value of the proposed action is \$25,412,700.00
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is Section 41 U.S.C. 4106(c) 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. Use of Authority Cited: Based on market research, as described in paragraph nine of this document, limited competition is available. VA currently uses Adobe Acrobat software throughout VA. Adobe Acrobat software is primarily used to create PDF documents that are posted on VA Internet and Intranet sites as a method of informing Veterans of services and employees of VA policy and procedures. These documents must be 508 compliant as mandated by Section 508 (29 U.S.C. 794d) of the Rehabilitation Act. Section

508 of the Rehabilitation Act proscribes technical standards that provide for usability and accessibility for people that are visually impaired and/or deaf or hard of hearing. Only an enterprise agreement for Adobe Acrobat PRO can meet VA's needs and ensure 508 compliance. Based on a review of all PDF creation and authoring software, Adobe Acrobat PRO is the only authoring tool that can produce 508 compliant documents that incorporates complex format elements such as data tables, charts and graphs. Over the past four years, the Section 508 Program Office has approved the use of the Adobe Acrobat PRO software as a tool for web content managers to produce Section 508 compliant documents as it is the only PDF software authoring tool robust enough to provide the following features, all of which are required by VA:

- a. Optical Character Recognition to convert scanned content to accessible text.
 - b. Semantic content editing (adding and editing tags for accessibility).
 - c. Graphic representation of Accessibility Issues to assist with troubleshooting and repair (The Touch Up Read Order Tool).
 - d. Extensive accessibility checking against 3 accessibility standards including Section 508 (the other two are WCAG 1.0 and WCAG 2.0).
 - e. Accessible forms authoring which also permits users with visual disabilities to begin form field authoring without a sighted person's assistance (though the results still need to be verified by a sighted individual).
 - f. Compatible with conventional assistive technology (JAWS, Window Eyes, ZoomText, etc.) and it does not require users of these products to learn new keystrokes or different ways of using these products.
 - g. Built in Accessibility Accommodations for low vision, limited mobility, etc.
 - i. Read Out Loud
 - ii. Reflow
 - iii. High Contrast View
 - iv. Auto Scroll
 - h. Export to other formats – Text, HTML, Microsoft Word.
 - i. Converts other formats – HTML (Web Capture), Word, Office, etc.
- In short, no other tool, including Acrobat Standard, combines so much support for PDF accessibility in a single application. Moreover, other products or workflows typically require the use of Adobe Acrobat Pro to augment or enable their own accessibility support.

No other brand name item can meet all of these VA requirements. Additionally, other similar products or workflows typically require the use of Adobe Acrobat PRO to augment or enable its accessibility support. Furthermore, Adobe Acrobat PRO has functionalities that are unique for PDF documents, which VA requires in order to assist Veterans and employees with disabilities such as mobility impairments, blindness, and low vision. Adobe Acrobat PRO is an application that creates and edits PDF files to make them accessible. It has a number of tools for evaluating and repairing

the accessibility of PDF files, including access to the structure root through the tags panel, the ability to directly manipulate the reading order through the order panel, a built-in accessibility checker, and the Touch Up Reading Order tool which provides a graphical mechanism for assessing and repairing the accessibility of a PDF document. Adobe Acrobat PRO can generate and modify any PDF to be accessible from almost any source. In other words, PDF documents created by other PDF authoring software can be imported into Adobe Acrobat PRO and be manipulated via Adobe Acrobat's tag tree to increase accessibility.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Although the Government is limiting competition as a result of specifying unique or highly specialized equipment, there are multiple authorized resellers of the brand name items on the NASA SEWP IV GWAC. Additionally, this justification will be submitted to all four NASA SEWP IV GWAC groups prior to release of the Request for Quotation in order to fully notify all interested parties. Furthermore, in accordance with FAR 5.301 and FAR 16.505(b)(2), this action will be synopsisized at award on the Federal Business Opportunity Page (FBO) and the justification will be made publicly available within 14 days after award.
7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, VA will continue to conduct market research to identify other PDF applications that are capable of creating 508 compliant documents. Should such products become available; VA will review and consider these products for future requirements. Furthermore, VA will continue to monitor software recommendations/approvals issued by the Section 508 Program Office.
8. Market Research: The Government's technical experts have been researching PDF software applications from May 2011 through September 2012. Based on this research, similar software tools/products were evaluated against VA's 508 compliance requirements. Specifically, the Government's technical experts evaluated similar software from Microsoft (Microsoft Word Save-As PDF feature and Microsoft Word Print-To PDF feature), Nuance (Nuance PDF Converter Pro software), Quark Xpress, and FoxIT. None of these products tested could meet the Government's requirements as stated in paragraph 5 above. Based on this market research, it was determined that only Adobe Acrobat Professional software meets all of the Government's Section 508 requirements as shown in the below table:

Features/ Characteristics	Adobe Acrobat Pro X	Nuance PDF Converter Pro 5	Microsoft Word Save-As PDF feature (MS Office 2003)	Microsoft Print-To PDF feature (MS Office 2003)	Quark Xpress (Open Source product)	FoxIT (Open Source product)

a. Optical Character Recognition	Meets	Does Not Meet	Does Not Meet	Does Not Meet	Does Not Meet	Does Not Meet
b. Semantic content editing	Meets	Does Not Meet	Partially Meets	Does Not Meet	Does Not Meet	Partially Meets
c. Graphic representation of Accessibility Issues	Meets	Does Not Meet	Does Not Meet	Does Not Meet	Does Not Meet	Does Not Meet
d. Extensive accessibility checking against 3 accessibility standards	Meets	Does Not Meet	Does Not Meet	Does Not Meet	Does Not Meet	Does Not Meet
e. Accessible forms authoring	Meets	Does Not Meet	Does Not Meet	Does Not Meet	Partially Meets	Partially Meets
f. Compatible with conventional assistive technology	Meets	Partially Meets	Partially Meets	Partially Meets	Partially Meets	Partially Meets
g. Built in Accessibility Accommodations for low vision, limited mobility, etc.	Meets	Does Not Meet	Does Not Meet	Does Not Meet	Does Not Meet	Does Not Meet
h. Export to other formats	Meets	Partially Meets	Meets	Partially Meets	Partially Meets	Does Not Meet
i. Converts other formats	Meets	Does Not Meet	Meets	Does Not Meet	Does Not Meet	Partially Meets

Additionally, VA Section 508 Program Office Subject Matter Experts (SMEs) routinely conduct market research and test software using Access Technology tools. The conclusion to date is there is no competition anticipated in the foreseeable future that will meet the Government's requirements to create Section 508 compliant PDF documents.

9. Other Facts: Additional market research was conducted on the NASA SEWP GWAC to identify resellers of Adobe Acrobat PRO software. Several resellers were identified evidencing that limited competition is available for this brand name requirement.

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.

Kevin G. Cieri

Date: 9/11/12

Program Manager, SDE, PAO
Office of Information and Technology

Signature: 

11. Determination of Best Value: I hereby determine that the proposed contract action will represent the best value to the Government. NASA has already determined that the prices on the SEWP contract are fair and reasonable. Additionally, the proposed price will be compared to the independent government cost estimate.

Carol G. Newcomb

Date: 9/12/12

Procuring Contracting Officer

Signature: 

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

Carol G. Newcomb

Date: 9/12/12

Procuring Contracting Officer

Signature: 

13. Legal Sufficiency Certification: I have reviewed the foregoing justification and approval and deem it legally sufficient.

Geroge B. Tereschuk

Date: 9/12/2012

Legal Counsel

Signature: 

Approval

In my role as Head of the Contracting Activity, based on the foregoing justification, I hereby approve a Firm-Fixed-Price delivery order issued under the National Aeronautics and Space Administration Solutions for Enterprise-Wide Procurement IV Government Wide Acquisition Contract for an enterprise agreement for Adobe Acrobat software upgrades, software maintenance, and additional software licenses. This action will be issued as an exception to fair opportunity pursuant to FAR 16.505(b)(2)(i)(B), subject to availability of funds, and provided that the property and services herein described have otherwise been authorized for acquisition.

Date: 9/14/12Signature: Wendy J. McCutcheon
Iris B. Cooper
Head of the Contracting Activity