

JUSTIFICATION AND APPROVAL  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center - Austin  
1701 Directors Blvd., Suite 600  
Austin, TX 78744
2. Description of Action: The proposed action is for one twelve-month firm-fixed-price (FFP) task order with two twelve-month option periods issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC) for maintenance support of Adobe LiveCycle Reader Extensions software.
3. Description of Supplies or Services: The Department of Veterans Affairs (VA), Office of Information & Technology (OIT) Enterprise Infrastructure Engineering (EIE) has an enterprise-wide software license for Adobe LiveCycle Reader Extension software for 250,000 users. This requirement is for the maintenance and technical support for this software. The software is currently installed and operating successfully on two VA centralized servers that are configured for national use. The supported software provides end users with the capability to save, fill-in, annotate/comment and digitally sign Portable Document Format (PDF) documents online or offline. The required maintenance support includes 24x7x365 critical application support, technical support by means of email or telephone, and ongoing distribution of access to new features, maintenance releases, bug fixes, and upgrades on an annual basis. The total estimated price for the proposed action inclusive of the option periods is [REDACTED].
4. Statutory Authority: The statutory authority permitting an 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. Rationale Supporting Use of Authority Cited Above: Based on extensive market research, as described in paragraph 8 of this document, limited competition is available among the original manufacturer and authorized resellers for maintenance of the aforementioned brand name software. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The proposed sources for continued Adobe LiveCycle Reader Extension software maintenance support are Adobe and its authorized resellers. VA determined that either Adobe or its authorized resellers are the only sources that can provide the maintenance support. The Government does not possess the proprietary technical data for Adobe LiveCycle Reader Extension software. Without this technical data, no source has the ability to provide Adobe maintenance support other than Adobe or an authorized reseller. This technical data allows a source access to the fundamental elements of the software that is essential for technical

support, software version control and updates. Failure to acquire the aforementioned maintenance and support services would prevent VA users (employees and Veterans) from performing essential functions necessary for providing excellent patient and beneficiary care to our Nation's Veterans.

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 software, there are multiple authorized resellers of the software 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 Quote 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 Opportunities Page (FBO) and the justification will be made publicly available.

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: Market research was conducted by the program manager by issuing a request for information (RFI) on the NASA SEWP IV GWAC on May 6, 2012. Responses were received from two interested contract holders. The interested contract holders were categorized as follows: one large business [REDACTED] and one service-disabled Veteran-owned small business (Alvarez & Associates, 9635 Maroon Circle, Suite 340, Englewood CO, 80112). Additionally, VA subject matter experts (SMEs) reviewed industry trade publications and conducted internet research to ascertain the ability of any other sources to meet VA's needs. The RFI posted to NASA SEWP IV GWAC did not limit responses to authorized resellers. The RFI responses did not offer or provide alternative solutions to the Adobe LiveCycle Reader Extensions software maintenance and support, but did confirm that they are Adobe authorized resellers. The SME research revealed that no other software maintenance and support solutions possess the proprietary technical data to be interoperable and compatible with the existing Adobe LiveCycle Reader Extension software. Based on this market research it has been determined that only Adobe brand name software maintenance can meet VA's needs.

9. Other Facts: None.