

## JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity: Department of Veterans Affairs  
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 sole source, firm-fixed-price contract for brand name Feith software maintenance support and upgrades with Feith Systems and Software, Inc. (Feith), 425 Maryland Drive, Fort Washington, Pennsylvania (PA), 19034-2501.
3. Description of Supplies or Services: The Department of Veterans Affairs (VA), Office of Information and Technology (OI&T), Service Delivery and Engineering (SDE), Infrastructure Operations (IO) requires brand name Feith software maintenance support and upgrades. The maintenance support services and upgrades will allow VA SDE, IO to receive software updates and upgrades 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 support maintenance is necessary for SDE, IO to be able to provide operational and successful support systems for the VA National Cemetery Administration (NCA).
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) 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: The proposed source for this action is Feith Systems and Software, Inc., 425 Maryland Drive, Fort Washington, PA 190342501. VA, IO currently owns and maintains the Feith software applications. Feith is a proprietary software system that provides document-image depository capability. This system has been integrated into the current IO infrastructure, and it is used to store documents that are faxed into the NCA for the Memorial Benefits Program and as well as other NCA programs. IO requires support compatible with the existing infrastructure protocols and functionality for continued operational availability. This software is unique to Feith and only Feith can provide the necessary software support maintenance because of the propriety source code required to develop and implement software updates. No other source is capable of providing the required software support maintenance that meets VA's unique functional requirements. No other license is compatible with or interoperable with the existing Feith proprietary database structures, protocols, and software application programming interfaces. Therefore, only Feith brand name software support maintenance can meet the Government's requirements.
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. The proposed action will be synopsized on the Federal Business Opportunities (FBO) page in accordance with FAR 5.201.

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 competed.
5. Market Research: The Government's technical experts conducted market research during March 2019 and at present there is no other software available in the market place with the same functionality that can readily integrate with the data center's infrastructure to replace the Feith software currently in use. Although similar software products such as OpenText and Statistica possess similar capabilities to provide the required software support maintenance, only Feith has access to the proprietary source code, existing proprietary database structures, protocols, and software application programming interfaces specific to the software support maintenance for this particular software. Without access to the proprietary source code, existing proprietary database structures, protocols, and software application programming interfaces, software support maintenance and any updates or upgrades cannot be installed, which could result in the data center infrastructure functioning with an outdated and/or unsupportable software version. This would provide less functionality to the end users or system failure. VA networking Subject Matter Experts regularly review industry trade publications and conduct internet research to ascertain if any other software maintenance and upgrades are available for the proprietary Feith software. Based on all of these market research efforts, the Government's technical experts have determined that only the aforementioned Feith brand name software maintenance support can meet all of the Government's needs.

Additional market research was conducted by Government representatives in March 2019 by utilizing the Product Lookup Tool on the National Aeronautics and Space Administration's (NASA) Solutions for Enterprise Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) website which yielded no results. Additionally, during March 2019, market research was conducted on the General Services Administration (GSA) Federal Supply Schedule (FSS) 70 for resellers of Feith products and maintenance services utilizing GSA eLibrary Search Tool. Feith was found to be a FSS Information Technology (IT) 70 contract holder. However, the specific software support maintenance being procured under this requirement is not currently available on its GSA FSS IT 70. In addition, the Vendor Information Pages was searched for the required Feith software support maintenance which yielded no results. Furthermore, a Request for Information (RFI) was posted to the Federal Business Opportunities webpage in June 2019 to determine if any other sources were available. One response was

received, however, per RFI instructions, the response did not address the vendor's ability to provide the stated requirements and was thus deemed non-responsive.

6. Other Facts: N/A