

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
1701 Director's Blvd, Ste 600
Austin, TX 78744
2. Description of Action: The proposed action is for a new sole source, firm-fixed priced, contract with option periods to provide brand name Phoenix software maintenance support.
3. Description of Software license or Services: VA Office of Information and Technology, Service Delivery and Engineering (SDE), Infrastructure Operations (IO) has a requirement for Phoenix software maintenance. The software maintenance is necessary in order for SDE IO to receive software upgrades and updates to their previously purchased software to include major releases, point releases, service releases and security releases on a quarterly basis, and/or within 48 hours in cases in which a high-risk vulnerability fix becomes available. These software upgrades and updates are necessary for SDE IO to be able to operate successfully and is required to ensure the software remains operational. The period of performance will be from October 1, 2019 through September 30, 2020, plus three (3) 12-month option periods. The total estimated price of the proposed action is \$211,455.00 (inclusive of options).
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: The proposed source is Phoenix Software International, 831 Parkview Drive North, El Segundo, CA 90245. Based upon market research, as described in section 8 of this justification, it was determined that only Phoenix Software International has the capability to satisfy this requirement. The current IO infrastructure is based on existing Phoenix software and VA requires support compatible with the existing infrastructure protocols and functionality for continued operational availability. Only Phoenix Software International can provide the necessary software updates, because of the propriety source code required to develop and implement software updates. No other source is capable of providing the required software maintenance that meets VA's unique functional requirements. Acquisition of a different product, even if another one existed with qualifications that met VA's stated functional needs, would require multiple support costs if the Phoenix software licenses were abandoned in favor of a different product. In addition, IO would need to purchase new software licenses. No other license is compatible with or interoperable with the existing Phoenix proprietary database structures, protocols, and software application programming interfaces. Therefore, only Phoenix Software International can provide the software maintenance that meets the Government's requirements.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. This effort did not yield any additional Phoenix 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 and any proposals that are received will be evaluated.
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 fully competed.
8. Market Research: The Government's technical experts conducted market research during June 2019 by reviewing similar software maintenance support services to ascertain if other brands could meet VA's software maintenance requirements. Specifically, the VAS technical experts conducted web-based research on International Business Machine's System Display and Search Facility tool, and NuPSoft Tone software's OMC-Flash tool, both of which are viewing and management solutions. As a result of the market research, the technical experts confirmed that as the source code required to issue the updates is proprietary, no other firm has the capability of developing and issuing software updates and fixes for Phoenix software necessary to support existing IO requirements. Therefore, at present there is no other software maintenance available in the market place that can meet this requirement. In addition, VA networking Subject Matter Experts regularly review industry trade publications and conduct internet research to ascertain if any other brand name software is available. Based on all of these market research efforts, the Government's technical experts have determined that only the aforementioned Phoenix software maintenance can meet all of VA's needs.

Additional market research was conducted by Government representatives in June 2019 utilizing the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract Provider Lookup Tool. The search revealed that there are no SEWP vendors to include service-disabled Veteran-owned small business Phoenix resellers. A Request for Information was posted to NASA SEWP in June 2019 with no responses. Furthermore, on August 19, 2019, Phoenix Software International confirmed that they only provide direct sales and there are zero resellers.

9. Other Facts: N/A

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.

Robert Biles

Date: _____

Program Manager

Signature: _____

11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on comparison with the Independent Government Cost Estimate and comparison to historical prices paid.

Lino Vera

Date: _____

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. As this contract does not exceed \$700,000, the certification below required by FAR 6.303-2(b)(12) serves as approval.

Lino Vera

Date: _____

Procuring Contracting Officer

Signature: _____