

LIMITED-SOURCES JUSTIFICATION

1. **Contracting Activity:** Department of Veterans Affairs (VA)
Office of Procurement Acquisition and Logistics
Technology Acquisition Center
1701 Directors Blvd
Austin, TX 78744
2. **Description of Action:** The proposed action is to establish a new three-year firm-fixed price (FFP) multiple award Blanket Purchase Agreement (BPA) for term licenses and maintenance for new and existing Adobe brand name Creative Cloud software inclusive of the individual applications listed below. This effort is being conducted under the authority of the Multiple Award Schedule Program.
3. **Description of the Supplies or Services:** This proposed action is to provide term licenses and maintenance for existing licenses, as well as new Adobe Creative Cloud licenses and maintenance. In order to ensure a consistent workflow in publications, the VA requires a single software solution with the ability to create or manipulate media content, including existing VA media, such as video, print media, photography, web content design, and other applications necessary for VA staff across the enterprise as a method of informing Veterans of services and employees of VA policy and procedures. In addition, VA requires maintenance and support include updates, bug fixes, and upgrades. The VA requires the following types of Adobe Creative Cloud licenses with one year of maintenance:

<u>Product Description</u>
Adobe Premiere Pro ALL MLP Licenses
Adobe Creative Cloud ALL MLP Licenses
Adobe Dreamweaver ALL MLP Licenses
Adobe Illustrator ALL MLP Licenses
Adobe InDesign ALL MLP Licenses
Adobe Photoshop ALL MLP Licenses

The period of performance for the BPA is three years. VA requires a three-year BPA based on the projected usage of the software, and in order to obtain the best pricing for a long term period. [REDACTED]

4. **Authority:** This acquisition is conducted under the authority of the Multiple-Award Schedule Program. The specific authority providing for a limited source award is Federal Acquisition Regulation (FAR) Part 8.405-6(a)(1)(i)(B), "Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized."
5. **Rationale Supporting Use of Authority Cited Above:** Based on market research, as described in paragraph eight of this document, it was determined that limited competition is anticipated for this procurement. VA currently uses Adobe Creative

Cloud term licenses. These Adobe software products are required for continual use throughout VA.

No other brand name software can meet all of VA's functional requirements. Specifically, based on the market research, described in paragraph eight, Adobe Creative Cloud software is the only single solution software capable of accessing, creating, and manipulating the existing VA media content contained on over 1,000 VA computers for photo editing, digital media, and web content for VA websites for Veterans and employee patient related and administrative content. There has been and there will be the requirement to revert existing content to the original media. Due to the propriety nature of the software, only Adobe Creative Cloud can access the original content created by VA. Without access to the original content, VA would be unable to develop and manipulate website content, training content, and materials to Veterans and employees. Use of any other solution, would require VA to reproduce the significant amount of original content causing undue burden to VA, and harm to Veterans who use the resulting media material to access their healthcare and benefits. In addition, use of any other brand name software would render the existing VA media content previously created using Adobe Creative Cloud noncompliant with Section 508 requirements. In accordance with Section 508 (29 U.S.C. 794d) of the Rehabilitation Act, VA must ensure all media usable and accessible to people that are visually impaired and/or deaf or hard of hearing. The Public Affairs and Medical Media services within the VA must create 508 compliant documents and media content for veteran and employee use. This content is usually in the form of standardized forms, photos, video, and web design. Adobe Creative Cloud software edits and augments various forms of media content to make it 508 compliant. Adobe Creative Cloud uses a proprietary code that is unique to Adobe, thereby documenting and saving all edits and augmentation to the VA's original media content for 508 compliance.

Further, due to the proprietary nature of the software, use of a software other than Adobe could cause a complete loss of all historical data for the media content originally augmented with Adobe Creative Cloud. The VA requires media content previously edited in Adobe Creative cloud to be re-edited or further altered in order to meet the ever changing needs and regulations of the VA. Switching to a software solution other than Adobe would mean that all historical data would be lost for the previously altered content and documents. The VA would consequently need to start from scratch, re-editing the original content in the new software, resulting in a minimum of six month (or more) delivery delays and duplication of costs that would not be recovered through competition; ultimately impacting VA's inability to properly serve Veterans in a timely manner. This would have specific and immediate impact on VA forms, VA hosted websites, and VA media content that would become inaccessible to Veterans; impacting pertinent information that needs to be readily disseminated to veterans at all times in order to maintain our services to our customers. Without Adobe Creative Cloud, the VA would not be able to readily change file types of various media content. VA requires the ability to change file types in order to share information with those inside and outside of the VA network, and without this capability, VA would be unable to create and distribute

educational and other communication materials to staff and Veterans, further impacting VA mission.

In addition, Adobe Creative Cloud is the only single solution that allows VA to create and edit video, print, photography, and web design media content to make the media accessible to VA staff and veterans. No other brand name software does high end photo editing, video editing, and web design. Only Adobe Creative Cloud labels files correctly, allows for overlay editing without altering the original content, and is compatible with each editing software within the cloud suite (i.e. editing a photo in Adobe Lightroom and transferring those edits to Adobe Photoshop). The Adobe Creative Cloud is the only suite of products that has an interoperable workflow from application to application, that allows media content to be altered, changed and edited without a loss of content or editing settings. Other media content editing software can only perform limited editing of content, and since VA requires a single solution to manipulate all media, only Adobe Creative Cloud was found to meet the need. In addition, Adobe Creative Cloud is the only solution that will allow VA to access existing media. These are all critical VA functional requirements that no other brand name solution can provide. Due to Adobe's proprietary source code using another application would mean that all existing information and historical data associated with each photo (libraries can house tens of thousands of photos each) would be lost. Other available software does not contain the proprietary source code necessary that would allow Adobe's historical data to be transferred over to the new software. VA requires access to this media and cannot replace or replicate the media without a significant administrative burden.

Additionally, only Adobe or an authorized reseller can provide Adobe Creative Cloud maintenance due to the proprietary nature of the software source code needed to provide technical support, updates, and upgrades. Access to this code is also required to ensure the services are properly configured to the software. Any other source would require access to Adobe's proprietary source code to meet VA's needs, and ensure the software is operational. Renewal of the current software maintenance is required to ensure continuity of support for the existing Adobe software products.

The proposed sources for Adobe Creative Cloud software licenses, subsequent components, and maintenance are Adobe, Inc. and authorized resellers/partners. VA has determined that Adobe or authorized resellers and/or partners of Adobe software products are the only sources that can provide the software term licenses and maintenance required.

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 sources that can meet the Government's requirements. However, the undersigned VA technical representative determined that limited competition is available among authorized resellers for brand name Adobe licenses, as well as software maintenance and support. In accordance with 8.405-6(a)(2) this justification will be made publicly available within

14 days of award. Furthermore, in accordance with FAR 8.405-6(b)(3) this justification will be posted with the Request For Quotation.

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: The Government's technical experts conducted market research in April 2019, to determine if any other sources can meet VA's needs. The technical expert conducted online research to see if there were other products capable of providing the required services. Specifically, the technical expert reviewed applications [REDACTED] and determined that these products cannot meet the technical and interoperability requirements because they don't have the functionality to manipulate existing VA media content. [REDACTED] do not meet the functional requirements identified in paragraph 5 of this document. Additionally, ongoing market research efforts were conducted through regular reviews of trade publications, internet research, similar software reviews to determine if other brand name products can meet the requirements. Due to the proprietary nature of the source code, it was concluded that there are no other service providers that can provide the maintenance without the proprietary source code as outlined in paragraph 5 of this justification.

The Government contacted Adobe in April 2019 to ascertain if this proprietary source code is available to non-resellers. Adobe confirmed that Adobe or an authorized reseller are the only sources for maintenance.

The Contract Specialist conducted market research in May 2019, using General Service Administration (GSA) eLibrary to view the Contractor Listing Federal Supply Schedule (FSS) to determine if competition was viable for this action. Several FSS contract holders were found capable of meeting this requirement; therefore, VA has determined that limited competition is available for this requirement amongst resellers. In addition, it is also determined through this market research that a multiple award BPA can be awarded.

9. Other Facts: none

