

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
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 Firm-Fixed-Price delivery order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC) for Cisco AppDynamics Pro Edition Software Server Licenses and associated maintenance.
3. Description of the Supplies or Services: VA, Office of Information & Technology (OI&T), Enterprise Portfolio Management Delivery (EPMD), My HealtheVet (MHV) has a requirement for software maintenance and support services for Cisco AppDynamics Pro Edition Software Server Licenses and associated maintenance. AppDynamics Pro Edition is a server-side performance management software that manages complex business-critical applications by detecting business impact and performance spikes, isolating bottlenecks in application performance, and identifying root cause within complex code. The software maintenance and support services will provide for on-line or telephone technical support services available 24 hours per day, seven days per week, 365 days a year (24x7x365) as well as unlimited application performance management agents and extended data retention. The Contractor shall provide bug fixes and periodic software updates and upgrades including major releases and minor updates/patches. The maintenance is required to ensure the software remains operational. The period of performance shall be an 11-month base period plus, two, 12-month option periods.
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) 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: This is a brand name justification in accordance with FAR 11.105, Items Peculiar to One Manufacturer. Based upon market research, as described in section 8 of this justification, it was determined that only Cisco AppDynamics Pro Edition Software Server Licenses and associated maintenance has the capability to satisfy this requirement. OIT EPMD has a requirement to upgrade the existing software in accordance with VA Enterprise Cloud (VAEC) requirements. The license upgrade includes added functionality in the form of network visibility tracing to support the MHV Application. The current version cannot provide trace reporting required to properly diagnose issues that occur within the new Amazon Web Services (AWS) cloud environment. Other tools have similar options, but AppDynamics is currently built into the MHV platform and offers tools that are specifically geared toward the containerization of the the MHV program.

Containerization is the the basis of the continuous deployment and continual delivery method VA is moving towards. AppDynamics is the only VA-approved software that provides the ability to view network traffic and is approved for use in AWS. Without the ability to view network traffic, MHV developers will not be able to accurately diagnose problems which may cause delays in deployments or system downtime for prolonged periods of time. Delays and downtime have direct impacts on VA patient safety to include a direct impact on secure messaging at VA hospitals as well as the ability to access or share health records. In the event unscheduled downtime occurs, MHV will not be able to schedule or send medical appointment reminders and the pharmacy application will also go offline, preventing prescription refills. OIT EPMD, in coordination with the VAEC, has determined that no other tools are currently available that provide the same level of visibility as AppDynamics in the AWS cloud environment.

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 Cisco AppDynamics licenses, as well as software maintenance and support. In accordance with FAR 16.505(a)(4)(iii)(A)(1), this justification will be provided with the solicitation to all appropriate NASA SEWP V GWAC holders. Furthermore, in accordance with FAR 5.301, 16.505(b)(2)(ii)(D), and 16.505(a)(4)(iii), the award notice for this action will be synopsisized on the Federal Business Opportunities website and this justification will be made publicly available within 14 days of award.

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 by reviewing other similar software. This market research is an ongoing process and is continuously being conducted, as recently as July 2019. The other similar software reviewed included Dynatrace, New Relic, and SolarWinds. Based on reviews of these products, the Government's technical experts determined that none of these products can meet the Government's interoperability and compatibility requirements previously discussed. Review of these products is based on actual VA experience using the competing monitoring software. Additionally, VA networking Subject Matter Experts regularly review industry trade publications and conduct internet researches 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 brand name Cisco AppDynamics Pro Edition Software Server Licenses and associated maintenance can meet all of VA's needs.

9. Other Facts: None.