

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: This 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 Government Wide Acquisition Contract (GWAC) for brand name AutoDesk software maintenance and support.
3. Description of Supplies or Services: VA, Office of Information and Technology (OIT), Information Technology Operations and Services, Infrastructure Operations, has a requirement for brand name AutoDesk software maintenance and support. The software maintenance and support will consist of software upgrades, and updates, to include major releases, point releases, service releases and security releases of applicable software on a quarterly basis, or within 48 hours in cases where a high risk vulnerability fix becomes available. These software upgrades and updates are necessary for VA to continue to operate successfully. The maintenance is required to ensure the software remains operational and all vulnerabilities in the software are mitigated. The period of performance is from November 1, 2019 to October 31, 2020.
4. Statutory Authority: Pursuant to Federal Acquisition Regulation (FAR) Subpart 16.505(a)(4), the following brand name requirement is being justified and approved as an exception to fair opportunity under the statutory authority of Section 41 U.S.C. 4106(c)(2) as implemented by 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: The current VA infrastructure is based on existing AutoDesk software and VA requires software maintenance support compatible with the existing infrastructure protocols, underlying source code, and existing functionality, to ensure continued operational availability. Only AutoDesk or a reseller can provide the necessary software maintenance and updates because of the proprietary source code required to develop and implement software updates compatible with the existing proprietary Autodesk source code. No other source is capable of providing the required software maintenance and support that meets VA's functional requirements. No other brand software maintenance is compatible with, or interoperable with, the existing proprietary AutoDesk software database structures, protocols, and software application programming interfaces. The brand name AutoDesk software maintenance and support is the only software maintenance that meets all of the Government's requirement.

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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. It was determined, however, that limited competition is viable among authorized resellers for this brand name software maintenance. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized and the justification will be made publicly available on the Federal Business Opportunities Page within 14 days of award of the order as the estimated value of this action is over the simplified acquisition threshold.
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: AutoDesk is a commercially available off-the-shelf software license package currently in use in VA. Market research was conducted in March 2019 by Government technical experts reviewing similar software maintenance products to ascertain if these items could meet VA's requirements. Specifically, the Government's technical experts conducted web-based research on TurboCAD and CADopia products. As a result of the market research the technical experts confirmed that as the source code required to issue the updates is proprietary, only AutoDesk software maintenance is capable of providing the required maintenance and upgrades via Autodesk or an authorized reseller. No other software maintenance has the capability to develop and issue software updates and fixes for AutoDesk software necessary to support the existing Autodesk software in use at VA.

Additional market research was conducted in September 2019 via a search on the NASA SEWP V GWAC Provider Lookup Tool which yielded several resellers of AutoDesk products. Furthermore, NASA SEWP V GWAC has a dynamic catalog where line items can be added based on customer requests; therefore, as long as the required item or service is within scope of the NASA SEWP V contracts, items and services can be added to the catalog.

9. Other Facts: N/A

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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.

Date: _____

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 upon

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 action exceeds the simplified acquisition threshold, but does not exceed \$700,000, the certification required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

Date: _____

Procuring Contracting Officer

Signature: _____