

JUSTIFICATION AND APPROVAL
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
260 Industrial Way West
Eatontown, NJ 07724
2. Description of Action: The proposed action is for a firm fixed-price (FFP) Delivery Order (DO), issued under a National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government-wide Acquisition Contract (GWAC) for brand name Oracle Software License Maintenance and premium software support renewal for the Oracle WebLogic/AquaLogic platform for Java 2 Enterprise Edition (J2EE) Application Server which supports HealtheVet (HeV). The period of performance is for a six-month base period and two one year option periods.
3. Description of Supplies or Services: The proposed action is to obtain Oracle brand name Software License Maintenance and Premium software maintenance and support for the WebLogic/AquaLogic platform for the J2EE Application Server Unlimited Use licensing already owned and deployed by VA.

Oracle WebLogic Portal is a portal framework VA uses for creating interactive composite applications in a service-oriented architecture environment with an integrated set of design-time tools for Java developers. Oracle WebLogic/AquaLogic Portal's framework provides reliable and personalized application delivery that engages customers, keeps infrastructure costs down and delivers solutions rapidly. Oracle WebLogic Portal includes a graphical environment for developing portal-based solutions. Web-based configuration tools, content publication wizards, and other run-time tools enable distributed portal management. Premium software maintenance and support includes upgrades, troubleshooting, and technical support for the Oracle Weblogic/AquaLogic platform software which is broken down as follows:

- WebLogic Server Premium Version 9.2 (production/development)
- AquaLogic Data Service Platform (development only)
- WebLogic Portal (development only)
- AquaLogic Enterprise Security, Security Services Modules (agents) (development only)
- WebLogic Integration Version 8 (development only)
- WebLogic Adapters Relational Database Management System (development only)
- WebLogic Cluster Version 8 (development only)
- WebLogic Server Version 8.1 Process Edition (development only)
- Aqua Server Business Version 2.5 (Premium version) (development only)

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) as implemented by the Federal Acquisition Regulation (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 Above: Based on market research, as described in paragraph eight of this document, it was determined that limited competition is viable among authorized resellers for the maintenance and support of the required Oracle brand name software. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The existing Oracle WebLogic/AquaLogic perpetual software licenses provide the underlying core functionality necessary for deployment of the HeV applications. Specifically, Oracle WebLogic is the basis for application servers at the Austin Information Technology Center for data warehousing efforts, Financial Services Center for the financial management applications, the Denver Health Administration Center, the North Chicago James A. Lovell VA/Department of Defense joint clinical care initiative, and is supporting web development efforts in multiple Veterans Health Administration VHA regions. The service support for this software is required to ensure the software remains operational throughout its use. Oracle maintains proprietary restrictions on their codes. The Government does not possess the proprietary technical data for the Oracle WebLogic/AquaLogic platform software. Without this technical data, no other source has the ability to provide the aforementioned service support other than Oracle or its resellers. This proprietary technical data allows source access to the fundamental elements of the Oracle WebLogic Server Enterprise Edition and Oracle WebLogic Portal that is essential in providing development, deployment, and maintenance of the mission critical applications supporting HeV. Failure to acquire the aforementioned license maintenance supporting Oracle WebLogic Server Enterprise Edition and Oracle WebLogic Portal software and associated service support would cause the numerous VA applications that utilize the WebLogic software to become inoperable. If the VA attempted to use any brand other than Oracle it would require a complete engineering change to all the existing middle ware in order to utilize the application's products. Applications will fail when new patches or updates are needed for any other brand name software. The current applications run on Weblogic and only Oracle can provide patches or updates to their software code. Additionally, VA would require new licenses as well as maintenance, training and support for the new licenses if another brand was selected and implemented.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Limited competition is anticipated for the required software and services. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized at award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.

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 to ascertain if any other source other than a certified Oracle provider could meet VA's aforementioned requirements. Specifically, the technical experts researched other software including IBM Websphere and Red Hat JBoss support providers on NASA SEWP IV GWAC in March 2013. These vendors could only provide general capabilities to provide software support, but without the proprietary technical data outlined in paragraph five above none of the sources could meet VA's software maintenance and support for Oracle WebLogic/AquaLogic platform for J2EE. Based on this market research, the Government's technical experts determined that only Oracle authorized resellers could meet VA's requirements.

Additionally, market research was conducted in February 2013 utilizing the NASA SEWP IV GWAC Manufacturer Lookup tool which revealed there are 37 NASA SEWP contract holders that are authorized resellers of Oracle products. Based on this market research, limited competition is anticipated.

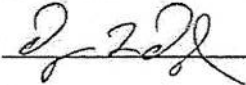
9. Other Facts: None.

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.

Terry Taylor

Date: 3-15-2013

COTR


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 NASA SEWP IV, GWAC pricing having already been determined fair and reasonable. Finally, the successful quotation will be compared to the Independent Government Cost Estimate.

Debra G. Clayton

Date: 3/15/2013

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.

Debra G. Clayton

Date: 3/15/2013

Procuring Contracting Officer

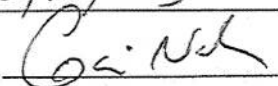
Signature: 

13. Legal Sufficiency Certification: I have reviewed this justification and find it adequate to support an exception to fair opportunity and deem it legally sufficient.

Colin Nash

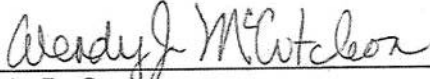
Date: 3/15/2013

Legal Counsel

Signature: 

Approval

As the Contracting Activity Competition Advocate and based on the foregoing justification, I hereby approve the acquisition of license maintenance supporting Oracle WebLogic Server Enterprise Edition and Oracle WebLogic/Aqualogic Portal premium software support renewal, as an exception to fair opportunity pursuant to the authority cited in paragraph 4 above, subject to availability of funds, and provided that the services herein described has otherwise been authorized for acquisition.

Date: 3/19/13Signature: 
Iris B. Cooper
Head of the Contracting Activity