

JUSTIFICATION AND APPROVAL  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
1701 Directors Blvd  
Austin, TX 78744
2. Description of Action: The Office of Information and Technology requires an enterprise level inventory of Oracle products. The proposed action is to acquire one 30-day BDNA Discovery brand name term enterprise license with incidental services. The term license will be used on BDNA software currently installed at the Department of Veterans Affairs (VA) and enables enterprise-wide discovery of Oracle products. The services will be used to obtain the inventory and delivery of the resulting report.
3. Description of the Supplies or Services: VA originally acquired Oracle license products under VA task order VA118-10-F-0153. VA has a contractual obligation to report the number of VA installations for certain Oracle products. VA also needs the inventory report prior to making the decision whether to exercise the contract option. The report is required to evaluate price reasonableness and to support a management decision whether to continue software maintenance. VA requires this information by May 1, 2013.

The BDNA Discovery term license and incidental services enable discovery and reporting of nine Oracle database software products installed throughout the VA enterprise. The BDNA software tool will be used to determine the number of active Oracle license products (see table 1) deployed and in use across the VA enterprise. The query shall also identify the number of licenses deployed per software product. The total estimated value of the proposed action is [REDACTED].

Table 1
*Oracle Database Enterprise Edition – Processor
*Real Application Clusters – Processor
*Partitioning – Processor
*Advanced Security – Processor
*Diagnostics Pack – Processor
*Tuning Management Pack - Processor
*Change Management Pack - Processor
*Provisioning and Patch Automation Pack for Database – Processor
*Configuration Management Pack for Oracle Database – Processor

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."

## BDNA Discovery Brand Name Term License With Incidental Services

5. Rationale Supporting Use of Authority Cited Above: This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. Although several potential solutions exist, any other brand solution except for BDNA's Discovery would force VA to duplicate costs necessary to pilot, deploy and test the new solution, and those required steps cannot be completed in time for VA to meet its schedule requirement. Only the BDNA Discovery brand can produce the required inventory for the Oracle products indicated within 30 days and without added costs associated with deploying a newer solution.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. 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 item. 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: VA has initiated an upcoming procurement called Enterprises Software Asset Management. VA will include this reporting requirement as part of the long term solution. The procurement is anticipated to be competitive.

8. Market Research: During September 2012 through January 2013, VA technical experts and the contract specialist (CS) performed market research. This software is not available under the General Services Administration SmartBuy program.

Additionally, the Oracle License Management website identified three products that were capable of performing the inventory to specifications acceptable by Oracle [REDACTED] VA contacted each company to determine cost and timeframe to implement their solution and perform the inventory.

[REDACTED] stated their solution could be implemented in three to four months with the inventory information taking an additional 60 days. This does not meet the requirement of having the inventory by May 1, 2013. The estimated price for product deployment and completing the inventory was in excess of \$2 million.

[REDACTED] indicated their product would require several months to implement and collect inventory information. While [REDACTED] declined to provide a cost estimate, they expected a rough order of magnitude of \$3 million.

The third vendor, BDNA, offered software VA currently operates and maintains within VA Central Office. VA determined using the existing BDNA tool along with the use of a temporary enterprise level license would meet VA's needs for both its technical and schedule requirements to complete the inventory within 30 days.

VA acquired the original BDNA software and associated maintenance under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise Wide Procurement (SEWP) Government Wide Acquisition Contract (GWAC). BDNA uses authorized resellers to provide its products and services. The CS determined BDNA

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resellers for the required products and incidental services are available on the NASA SEWP GWAC.

9. Other Facts: None.

