

JUSTIFICATION AND APPROVAL
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs
Office of Acquisition Operations
Technology Acquisition Center
260 Industrial Way West
Eatontown, New Jersey 07724
2. Description of Action: The proposed action is for a firm-fixed price (FFP) Delivery Order (DO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) Government-Wide Acquisition Contract (GWAC) for upgrade and maintenance renewal for Section 508 Access Technology tools.
3. Description of Supplies or Services: The Department of Veterans Affairs (VA) Office of Information & Technology (OIT), 508 Compliance Office requires the upgrade and maintenance renewal of the Section 508 Access Technology tools which include: Window-Eyes, Dragon Medical Enterprise, CommonLook Clarity, CommonLook PDF, and CommonLook Office Professional. The 508 Compliance Office is tasked to ensure that all VA products are accessible in accordance with the requirements set forth in Section 508 of the Rehabilitation Act (29 U.S.C. § 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998. To meet those tasks, the 508 Compliance Office requires the software maintenance. The total estimated value of the proposed action is [REDACTED] for a period of 12 months.
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 the market research described in paragraph 8 of this document, it was determined that limited competition is available for the upgrade and maintenance renewal of the brand name items. VA has a requirement for the annual maintenance and support of existing VA owned Window-Eyes, Dragon, and CommonLook brand name software.

VA is one of the largest federal agencies with over 300,000 employees and is required to meet the requirements of Section 508. As part of this mandate, VA acquired a set of tools to help ensure that VA's Electronic Information and Technology (EIT) are compliant with Section 508 requirements.

Upgrade and maintenance support is required for these five accessibility tools. These are the primary tools used by VA's 28,000 disabled employees to access

information and technology (IT) programs and services. In addition, they are the primary access technologies used by disabled Veterans when accessing VA systems. Replacing these tools with other brands would equate to additional cost to the Government by purchasing new licenses and their maintenance.

VA employees are trained on these suites of product licenses and VA has been using them since 2011. If different brands were chosen, VA would lose two years worth of work, would have to begin integrating with new software, and would require additional training of VA staff.

While there are other products available in the open market place for Access Technology (AT) devices, none of the other products have all the features and abilities of the Window-Eyes products. For example, NonVisual Desktop Access (NVDA) is an open source screen reader that can neither interact with applications nor read web pages and web content as needed by VA in the same capacity as the Window-Eyes product. In addition, the voice input system from Microsoft does not have the same medical library as the Dragon product and it does not interface with VA's medically-based programs, such as Computerized Patient Record System (CPRS) and Veterans Health Information Systems and Technology Architecture (VistA). Dragon has been scripted to work with VA applications and no other off-the-shelf programs have that ability.

The CommonLook PDF is a plug-in to Adobe Acrobat that allows it to extend the accessibility options of the Adobe Acrobat. CommonLook PDF allows the user to automate the accessibility of complex data tables, allows for specific tagging of images on each page, and allows for an additional 50 compliance checks that are not found in Adobe Acrobat. No other tool is available in the market that has these capabilities.

CommonLook Office plug in allows Microsoft Office products to be made accessible. It allows for these Microsoft applications to make non-compliant documents compliant and converts Microsoft Office documents into accessible Portable Document Formats (PDF), formatting documents so they are readable. CommonLook Office also tags images, data tables, and columns in Microsoft documents properly. No other tools that can integrate into Office documents are capable of this, including Microsoft Office's "Save As" feature.

CommonLook Clarity is a database that tracks the non-compliant PDFs and Microsoft Office documents and allows for reporting of the non-compliant documents that have been found. As part of the scanning database, it reports on non-compliant documents, how those documents were created, how many defects were found, and who the author was for the document. No other tool has been found in the market that has this capability.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Based on this research, it was determined that limited competition is anticipated for the maintenance of the brand

name item. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized on the Federal Business Opportunities page upon award and the justification will be made publicly available.

7. Actions to Increase Competition: Although the Government is limiting competition as a result of specifying a brand name, there are authorized resellers of these products on the NASA SEWP IV contract. Competition for this requirement among these vendors is anticipated. Furthermore, in order to remove or overcome barriers to competition in future acquisitions for this requirement, the Government will continue to conduct market research to consider alternate solutions.

8. Market Research:



9. Other Facts: N/A

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.

[REDACTED]

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 the expectation of price competition in addition to the fact that prices on the NASA SEWP IV GWAC have already been determined to be fair and reasonable. Additional price analysis will be performed by comparing the proposed prices to the IGCE.

[REDACTED]

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 does not exceed \$650,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

[REDACTED]