

JUSTIFICATION AND APPROVAL  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition and Logistics  
Technology Acquisition Center  
260 Industrial Way West  
Eatontown, New Jersey 07724
  
2. Description of Action: The proposed action is for a 12-month firm-fixed price order with four 12-month option periods issued against the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government-Wide Acquisition Contract (GWAC) for the renewal of the Vitria M30 maintenance support for VA-owned software and licenses. The period of performance for the base period of this order will be August 1, 2013 through July 31, 2014.
  
3. Description of Supplies or Services: The proposed action is for the renewal of ongoing support and maintenance services for the existing Capacity and Performance Engineering (CPE) Services Vitria M30 software product. This support and maintenance shall consist of any and all manufacturer-released software updates, patches and versions for the existing installation. Additionally, the support and maintenance shall also include access to the manufacturer's approved support resources such as help-desk and consultation services for the purposes of resolving problems, issues, and questions concerning the existing installation of software. The total estimated price of the proposed action including option years is \$335,437.26.
  
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 extensive market research, as detailed in paragraph 8 of this document, it was determined that limited competition is viable for this brand name software support and maintenance services. CPE utilizes the M30 software to monitor installations of Vitria software. Using the M30 software brings increased visibility and higher reliability to the Vitria software by allowing CPE to monitor activity and performance on the overall health of the Vitria software environment. In addition, CPE can utilize the M30 software to perform capacity analysis and modeling. Failure to renew this software maintenance will result in an inability to receive software updates, patches and upgrades. The Vitria software support and maintenance is the only solution that meets VA's needs due to the proprietary nature of the software. No other source has the ability to provide the aforementioned maintenance support.

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 Vitria M30 support and maintenance services. Although the Government is limiting competition as a result of specifying a unique and highly specialized service, there are numerous authorized resellers of these services on the NASA SEWP IV GWAC. Additionally, this Justification and Approval (J&A) and the Request for Quote (RFQ) will be submitted to all four NASA SEWP IV GWAC Groups in order to fully notify all interested parties and obtain price competition. Furthermore, in accordance with FAR 5.3, the award will be synopsisized on the Federal Business Opportunities (FBO) Page. In addition, this J&A will be made publicly available on the FBO Page.

7. Actions to Increase Competition: The agency will continue to work with the program office to conduct additional market research so other possible software maintenance solutions can be considered for future procurements. If there are changes in the market place, or if other products become available that would meet any future requirements, solicitations may utilize “brand name or equal” language if it is in the Government’s best interest to do so.

8. Market Research: In April 2013 the Government’s subject matter experts (SME) conducted market research via NASA SEWP’s Product Verification Tool which indicated that the requirement support and maintenance is available on the NASA SEWP GWAC through multiple vendors. The Government’s SMEs also looked at vendor websites to ascertain if there are other software maintenance applications that would provide coverage to Vitria M30 software. The Government reviewed software maintenance coverage from IBM and HP and determined that neither of these companies could provide support for the VA’s existing installation of Vitria M30 software. The Government’s SMEs contacted Vitria and confirmed that only Vitria support and maintenance is compatible with the Vitria M30 software. Any other software maintenance and support will not provide the required updates, patches or support.

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.

Name: Timothy Green                      Date: 25 June 2013

Title: Computer Specialist              Signature:

X Timothy Green  
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Timothy Green  
Signed by: vhsaisgreent

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 fact that limited competition is anticipated. Although prices under the NASA SEWP VI GWAC have already been deemed fair and reasonable, the Government will also use the Independent Government Cost Estimate and price analysis will be conducted to further substantiate a fair and reasonable price.

David Nostrant                              Date: 6/28/2013

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. 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.

David Nostrant                              Date: 6/28/2013

Procuring Contracting Officer      Signature: \_\_\_\_\_