

**JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN
COMPETITION**

Control # 13-35

Annual Maintenance Support for Network Transport Software Solution

RFQ: HTC711-13-Q-D054

1. CONTRACTING ACTIVITY.

United States Transportation Command, DPO Support Division, USTRANSCOM/TCAQ-D, 508 Scott Drive, Building 1900W, Scott AFB IL 62225-5357.

2. NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED.

USTRANSCOM/TCAQ-DPS requires the purchase of Annual Maintenance Support for Network Transport Software Solution. This software maintenance must be the brand name Network Transport Software Solution which is only provided by JDA Software, Inc. and has already been procured for the DPS system. The estimated cost is . The Period of Performance for the required support is 01 October 2013 – 30 September 2014.

3. DESCRIPTION OF SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS.

The Network Transport Software Solution program is licensed by JDA Software, Inc. This software enables DPS to perform Transportation Services and Rate Filing. It is used for capturing solicitation information and submitted rates of the Transportation Service Providers against those solicitations. The software will be executed within the DPS production environment at DISA throughout the lifecycle of DPS.

4. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION.

10 USC 2304(c) (1), Only One Responsible Source

5. DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR NATURE OF THE ACQUISITION REQUIRES THE USE OF THE AUTHORITY "ONLY ONE RESPONSIBLE SOURCE."

JDA Software, Inc is the only licensed owner of the Network Transport Software Solution. JDA Software, Inc retains all title, copyright, and other proprietary rights to this software. Network Transport Software Solution is the only software known that can satisfy our requirement, and it has been fully incorporated into the DPS system. Change to a different product for tracking would severely impact implementation timelines for the DPS program. DPS is a high visibility project and delays are monitored up throughout the Department of Defense. In addition, there would be a significant loss of operational efficiency while learning how to use the new product.

6. DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICABLE.

This action is synopsised in accordance with FAR 5.201(b)(1)(i) to determine whether there are other sources interested in this requirement.

7. DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE.

The Contracting Officer is unable to make this determination until after receipt of the quote for this requirement. After receipt of a quote, this determination will be made by comparison of previous prices paid and catalog pricing. A further price evaluation will be conducted when the proposal is received.

8. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED.

Research was performed to determine whether other companies provided the same or similar services and whether another vendor could also meet the Government's needs. Market research was conducted on the ESI and GSA Advantage websites to determine vendors capable of providing the annual support and maintenance for Network Transport Software Solution Support. There were no vendors capable on the ESI or GSA Advantage website. JDA is the sole distributor of this software support.

9. ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION.

The annual maintenance support for this software was originally purchased through a limited sources GSA task order in February 2009 from Manugistics, Inc. Since that time Manugistics had been acquired and is now a wholly owned subsidiary of JDA Software, Inc. JDA does not have resellers or distributors of their Network Transport Software Solution Support products and retains all licensing and proprietary rights.

10. A LISTING OF SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION.

As of now, there are no other companies that have expressed interest and could provide a technically viable product.

11. A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE.

Based on market research, no other companies have been identified to have software that can meet the Government's needs at this time. USTRANSCOM in conjunction with SDDC will continue to conduct market research to determine if other companies are in the marketplace that have similar software that could meet the needs of the Government, so that the software can be tested and if found technically acceptable, be purchased in open competition when future needs arise.

12. CONTRACTING OFFICER'S CERTIFICATION.

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

WILLIAM A. SCHLECKSER
Contracting Officer

18 June 2013
DATE

11. TECHNICAL AND REQUIREMENTS PERSONNEL CERTIFICATION.

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

STEPHEN A. RATERMANN
IT Specialist, DPS JPMO HHGS
USTRANSCOM J6-P

27 JUNE 2013
DATE