Justification for an Exception to Fair Opportunity or to Use Brand-Name Restriction

Is this a brand-name justification? ☒ Yes   ☐ No

Please provide the product title and description. [FAR16.505(a)(4)(i)]

    Brand-Name Product Title: MATLAB

    Brand-Name Product Description: MATLAB Annual Software Maintenance Renewal

Is this a Bridge Action as defined in the AF Bridge Action Reduction Plan?   ☐ Yes   ☒ No

Contracting Activity: AFLCMC/PZITA
Purchase Request / Local ID Number: F4FBAK9105A001
Program Name (and Program Element, if applicable): ██████
Estimated Cost/Price of the Order (including options): ████████
Type Program (see AFFARS 5302.101 for definitions):   ☐ PEO Program   ☒ Other Contracting
Type of Determination: ☒ Individual   ☐ Class   Expires: [click and select]

Click here for instructions to complete the boxes below.

(1) Contracting Activity:

AFLCMC/PZITA
2275 D Street, Bldg. 16, Rm. 128
Wright-Patterson AFB, OH 45433

(2) Nature and/or description of the action being approved:

██ has a new requirement for MATLAB software licenses and associated maintenance. This action will be awarded as a new Firm-Fixed Price (FFP) delivery order on a NETCENTS-2 Nectcentric Products Multiple Award Indefinite Delivery Indefinite Quantity (IDIQ) contract vehicle.

(3) Description of the supplies/services required to meet the agency's needs:

████████ has a new requirement to purchase additional licenses for MATLAB and associated toolboxes for MATLAB software as well as renewing the annual maintenance on existing MATLAB licenses. MATLAB is a highly interactive system whose basic data element is a matrix that does not require dimensioning. Problem solutions are expressed in MATLAB almost exactly as they are written mathematically - with no additional programming required. MATLAB is recognized within the science and laboratory community as the premier interactive program for numerical linear algebra and matrix computation.

MATLAB has been a staple of research since the early 1990's and ████████ has accumulated a wealth of MATLAB code and libraries that have coalesced into a standard toolkit for algorithm-intensive research. MATLAB has become the common denominator in ████████ as well as other Mission Partners for expressing mathematical concepts in computational code between multiple engineering and scientific disciplines and is essential to ████████ mission.

Based on market research, the total estimated value of this acquisition is ████████; it will be funded using FY 19 3600 funds. The period of performance for this effort will be 01 July 2019 through 30 June 2020.

(4) Justification for restricting consideration to a brand-name item:

The specific exception that precludes the fair opportunity process for this acquisition is FAR 16.505(b)(2)(i)(B). This requirement restricts consideration to a brand name product from one manufacturer, MathWorks. MATLAB support is essential to the Government's requirements, and market research indicates other companies' similar products, or

products lacking the particular feature, do not meet, or cannot be modified to meet ████ needs. This effort will be competed amongst NETCENTS-2 vendors capable of providing the brand name product.

This software is 100% compatible with the existing hardware and software used at ████████ and its mission partners over the last decade. ████████ estimates the cost to replace MathWorks products (MATLAB, Simulink and associated toolboxes) with an OTR product could exceed over ████████ in man-hours alone if the organization's engineers were forced to switch to a new product due to the sheer volume of code and data files accumulated over the years. This cost estimate was derived from tasking over ████████████████████████████ exclusively on recompiling our existing code (hourly rate ████████████████████████████████). Additional costs could be reasonably expected in order to replace and re-test these baseline analytic and production capabilities, and also to re-train all of the organization's engineering personnel to use any OTR products. Furthermore, annual maintenance renewal costs for software solutions purchased prior are generally ████████ the cost of new purchase costs for software products and ████████ and the Government would not recoup these additional costs.

████████ has invested ████████████ in high-end computer hardware for the engineering conducted by both the ██. This hardware's specifications were researched based on MATLAB requirements, and it is possible that this hardware would not be viable with alternative software. ████████ has ██ ████████████████████████████████████. Furthermore, the contracted relationships with mission partners do not allow ████████ to dictate the software products used by its partners; thus if forced to change software products, ████████ would not be able to analyze the data provided to the organization by its mission partners if they in turn refused to absorb the software costs of switching software products. MATLAB is therefore essentially a mission standard for ████████ and has been for over a decade.

In addition to these expenses, unacceptable schedule impacts/delays to ongoing in-house research are anticipated while any competing solution is integrated for use throughout ████████'s various program efforts. Serious impacts would be felt as the additional man-hours required to integrate and train with an alternative software product would limit the organization's ability to support critically sensitive research and development programs for the Air Force and its warfighters.

Accordingly, the MathWorks' software, including MATLAB, SIMULINK and additional specific toolboxes, is the only brand capable of providing the supplies and services described above without the ████████ experiencing substantial duplication of cost and unacceptable delays that could not be recouped through competition.

████████ requested a quote directly from the manufacturer, Mathworks, in April 2019 and received the quote on 8 Apr 2019. Mathworks provided a list of resellers via e-mail on 30 Apr 2019 to the contract specialist, which included a list of NETCENTS-2 resellers as identified below. Therefore, based on MathWorks list of NETCENTS-2 resellers as well as other PZITA awarded task orders, there are several NETCENTS-2 vendors capable of providing the requested brand name licenses and maintenance.

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████████████████

Based on recent purchases of MATLAB licenses in this contracting office, the Contracting Officer expects adequate competition among brand name resellers in order to satisfy the Government's requirement for fair and reasonable pricing.

(5) Contracting Officer's determination that the anticipated cost to the Government will be fair and reasonable:

A fair and reasonable price determination will be made by the Contracting Officer based upon a lowest price technically acceptable competition among NETCENTS-2 vendors capable of providing the brand name product. Due to technical complications with the AFWAY tool, this action will be accomplished via the Federal Business Opportunities (FBO) vendor request process. It has been determined that this contract vehicle will best ensure fair competition among brand name resellers as well as satisfy the Government's requirements for fair and reasonable pricing based on brand name competition.

(6) Other facts supporting the justification:

N/A

(7) Actions the agency may take to remove or overcome any barriers to decreasing the use of brand-name items before any subsequent acquisition of the supplies or services:

████████ will continue to query for commercially available software products of this kind to determine if the capabilities are able to meet the government's requirements. ████████'s Subject Matter Experts will also review technical publications, expositions, trend guidelines, Air Force regulations and instructions, as well as confer with other agencies and experts so that future actions may be solicited under full and open competition procedures. To the best of ████████'s abilities, all competing products (available in the current market) have been evaluated prior to purchasing this solution, and were not feasible for incorporation into the current architecture at this time. As new trends formulate in production, ████████ will continue to inquire about these devices, and research ways to develop, test and integrate them if possible.

(8) Program Manager's certification that supporting data is accurate and complete:

As evidenced by my signature below, I certify that any supporting data contained herein, which is my responsibility, is both accurate and complete.

(9) Contracting Officer's certification that the justification is accurate and complete:

As evidenced by my signature below, I certify that the justification is accurate and complete to the best of my knowledge and belief.

(10) Approving Official's determination that FAR16.505(a)(4)(i) applies to the order:

As evidenced by my signature below, I hereby determine that the use of brand-name restriction applies.

██

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