

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (JOFOC)

(In accordance with Federal Acquisition Regulation (FAR) 6.3 – Other than Full and Open Competition)

1. This document is a justification for other than full and open competition prepared by NASA's Goddard Space Flight Center (NASA's GSFC):

NASA GSFC's Multidisciplinary Engineering and Technology Support (METS) services contract, NNG05CA99C, was awarded on February 5, 2005, with a maximum ordering limitation of \$250 million and a 5-year ordering period that ends on February 4, 2010. In October 2008, a JOFOC was approved to increase the maximum ordering value of this Indefinite Delivery, Indefinite Quantity (IDIQ) contract by \$49.2M to ensure continuing performance until a competitive follow-on contract could be awarded. The resulting maximum ordering value for METS was increased to \$299.2M. It has since been determined that the approved increase was insufficient to meet the demand for METS services. Accordingly, NASA's GSFC now proposes to increase the maximum ordering value of the contract by an additional \$40M to sustain performance until the METS II follow-on contract is awarded. It is anticipated METS II will be awarded by April 2010. This document justifies the determination for using other than full and open competition.

2. The nature and/or description of the action being approved:

The ordering period for the METS contract will end on February 4, 2010. In October 2008, a ceiling increase in the amount of \$49.2M was approved which was expected to cover remaining METS requirements through the end of the ordering period. At that time, certain assumptions were made as to the expected usage of the METS contract which, although they were based on the best information available at the time, were not borne out by activity to date.

- Originally it was believed that METS usage would decrease as numerous scheduled launches were completed. Due to launch slips on the Hubble Space Telescope Servicing Mission 4, TACAT 3, the Lunar Reconnaissance Orbiter, NOAA N Prime and the Solar Dynamics Observatory, task orders that were expected to end were extended and some are still ongoing.
- It was believed that the RFP for METS II would be issued around the beginning of fiscal year (FY) 2009 with a possible early award in the 1st quarter of FY 2010. The Draft RFP has yet to be issued and it is now believed that a new contract will not be in place by the end of the current ordering period. In the event it is necessary to enter into discussions with offerors, a new contract may not be awarded until May 2010.

The cumulative ordering activity to date is equal to approximately \$292M (inclusive of fee), with new tasks and task modifications estimated at \$5.2M (inclusive of fee) currently in process. This leaves only \$2M in available METS ceiling ($\$299.2M - \$292M - \$5.2M = \$2M$) to provide needed support through the end of the ordering period. Based on current projections of anticipated new tasks, the cost of extending ongoing tasks through the end of the ordering period, and allowing for further extension of ongoing tasks for an additional 3 months in the event the award of METS II is delayed for any reason, it is now estimated that an increase of \$40M to the maximum ordering value is required to ensure the continuation of critical support services for GSFC projects. This JOFOC proposes to increase the maximum ordering value of the METS contract by \$40M resulting in a maximum ordering value of \$339.2M.

3. Description of the supplies or services required, including an estimated value:

This procurement is a continuation of METS Services for NASA GSFC's Applied Engineering and Technology Directorate (AETD). SGT, the METS incumbent contractor, shall continue to perform tasks that are necessary and incidental for the formulation, design, development, flight and non-flight fabrication, integration, testing, verification, and operations of space flight and ground system hardware and software, including development and validation of new technologies to enable future space and science missions in support of AETD's five engineering divisions: Mechanical Engineering Division, the Software Engineering Division, the Instrument Systems and Technology Division, the Electrical Engineering Division, and the Mission Engineering and Systems Analysis Division. Task orders issued under the METS contract provide critical support to a wide range of NASA's GSFC missions and projects including: Lunar Reconnaissance Orbiter, Solar Dynamics Observatory, Hubble Space Telescope, James Webb Space Telescope, Geostationary Environmental Operational Satellites-R, Gamma-Ray Large Area Space Telescope, Polar Operational Environmental Satellites, GLORY and others.

The increase in the maximum ordering value required to fund anticipated performance requirements until a follow-on contract can be competitively awarded is estimated at \$40M.

4. Statutory authority permitting other than full and open competition:

The statutory authority permitting other than full and open competition is 10 U.S.C. 2304(c)(1)- Only One Responsible Source; FAR 6.302-1(a)(2)(iii)(B). The METS-II competitive follow-on procurement is currently in process. A draft Request for Proposals (RFP) is expected to be issued no later than late June 2009 with the final RFP to be issued approximately 30 days thereafter.

5. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:

AETD is committed to providing critical support for a wide range of NASA's GSFC projects and missions as described in item 3. above. At a minimum, AETD must continue to provide coverage for these projects and missions until the competitive process is finalized in the second quarter of fiscal year 2010. Conducting a competitive procurement for these required support services would not only be duplicative to the ongoing competition, but would seriously impact current ongoing activities potentially resulting in launch delays, which have in the past caused significant additional cost to NASA. If NASA attempts to procure these services from any other source for this interim period, the combination of delay due to the competitive process and the time required to transition a new management team to coordinate staffing levels and schedules, along with the transition period required to become familiar with work requirements and systems, would cause unacceptable delays in fulfilling NASA's mission. The interim procurement of these vital services from another source for this period would jeopardize the critical milestone schedules for the numerous ongoing projects mentioned above and create significant additional costs to the Government.

6. Description of the efforts made to ensure that offers are solicited from as many potential sources as practicable, including whether a notice was or will be publicized as required by FAR 5.202:

This procurement was synopsised on NASA's Acquisition Internet Services (NAIS) Business Opportunities Web site in compliance FAR Subpart 5.2.

7. A determination by the CO that the anticipated cost to the Government will be fair and reasonable:

The CO has determined that the anticipated cost to the Government for METS services will be fair and reasonable as labor rates will be based on the rates accepted when the current contract was competitively awarded. Other direct costs will be negotiated for each task order and task order modification based on current market rates.

8. Description of the market research conducted, and the results, or a statement of the reasons market research was not conducted:

Market research was not conducted for this increase to the maximum ordering limitation; however it has been conducted for the follow-on METS procurement activity.

9. Other facts supporting the use of other than full and open competition:

Awarding the ongoing METS work to any source other than the incumbent contractor would unnecessarily disrupt ongoing support services to critical NASA missions and projects while the follow-on contract is being competed.

10. Sources, if any, that expressed an interest, in writing, in the acquisition:

In accordance with the requirements of FAR 5.203(a), a notice of NASA's intent to increase the maximum ordering value was published on June 12, 2009, through NAIS to the Electronic Posting System and to the Federal Business Opportunities worldwide Web site. During the prescribed 15 day waiting period no responses were received.

11. The actions the Agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required:

There are no barriers to overcome for competition before any subsequent acquisition of these services; the Agency is currently conducting a competition for a follow-on contract.