

**National Aeronautics and Space Administration
Ames Research Center
Moffett Field, California 94035-1000**

Justification for Other than Full and Open Competition

[FAR 6.303-2(a)(1)]

Summary Information:

Initiating Office: NASA Ames Research Center (ARC)
Acquisition Division (Code JAC)

Purchase Request No.: PR 4200286701

Procurement Title: Aircraft and Airfield Related Services

Total Estimated Value: \$ **Redacted per FOIA Exemption 5**

Period of Performance: June 1, 2009, through October 31, 2009

Statutory Authority: 10 USC 2304(c)(1), *Only One Responsible Source and No Other
[FAR 6.303-2(a)(4)] Supplies or Services Will Satisfy Agency Requirements*

This Justification for Other than Full and Open Competition (JOFOC) has been prepared in accordance with the requirements of Federal Acquisition Regulation (FAR) 6.303 and NASA FAR Supplement 1806.303.

Detailed Information:

A. Nature and/or description of the action being approved. [FAR 6.303-2(a)(2)]

NASA ARC proposes to negotiate a sole source contract modification with L-3 Communications Vertex Aerospace, LLC., to extend the period of performance of contract NNA05BE29C from the current completion date of May 31, 2009, for five months, through October 31, 2009. The total contract performance period, will remain under five years¹ (from June 1, 2005, through October 31, 2009).

The purpose of this extension is to provide on-going support for mission critical work at ARC, as described in paragraph B below, pending placement of a follow-on contract for the required support.

The reasons for the requested extension are due to: 1) the contract value will be reached before the contract completion date of May 31, 2009; 2) two major deployments already initiated under this contract will occur between June and September 2009; and 3) additional time will be needed to recomplete this contract.

¹ In 2004 the Ames Procurement Office made a decision to keep the performance period of some contracts to a total of four years instead of five in order to space out future recompetes. Contract NNA05BE29C was one of those chosen as a four year contract. There were no other reasons why the contract had a four year performance period.

To meet various critical project milestones a significant amount of unplanned Contractor overtime was required, resulting in an increase in Contractor costs. The magnitude of these project requirements was not anticipated and was not included in the proposed contract value. These unplanned increases were driven by required support of the Sierra project for the Biosphere Science Branch (Code SGE) and the repair and overhaul of the RASCAL Project Aircraft Servos/Actuators, OH-58 Helicopter Engine, and Auxiliary Power Unit (APU). The current contract value will be reached before the completion date of May 31, 2009, with costs for the work currently being performed expected to exceed the contract value by \$300K. Additional contract time and value are also required to support the completion of the two major deployments detailed below.

The first deployment will require support for an Aeroflightdynamics Directorate (AFDD) flight and instrument testing project at the Yuma Proving Grounds in Arizona. The AFDD is involved, as part of a joint effort with the Air Force and the Navy, on a project called 3D Landing Zone (3D-LZ). The project requires involvement from an outside entity and will provide an instrument to install on AFDD's EH-60 Blackhawk Helicopter for testing at the Yuma Proving Grounds in Arizona. The instrument is a sensor to aid the helicopter pilots' ability to hover and land in brown-out conditions. Several critical milestones must be met before the rainy season begins during late July and August 2009. The development of this project and its success is tied to the acceptance of the production unit to be installed on the aircraft currently used in airborne services. This project will require two separate, two week long deployments scheduled in July and September 2009.

The second deployment is to support Code SGE's Unmanned Aircraft System (UAS) Sierra Project. This deployment entails multi-week flight test support during June and July 2009 in Svalbard, Norway. The purpose of this mission is to gather sea ice roughness measurements in order to improve satellite algorithms that are used to assess the location and condition of arctic sea ice. These measurements are critically important for understanding and modeling change in the arctic, which will have global consequences as the amount of sea ice continues to decline. This mission is sponsored by the Earth Science Division R&A Program at NASA Headquarters, under the direction of the Airborne Science Program. The Contractor is heavily involved with the preparation of the remotely-piloted research aircraft; Sierra will be used for this mission in conjunction with satellite observations to ultimately detect basic changes in ice conditions. A disruption in these services could adversely impact the deployment schedule to Svalbard, Norway. The severe weather is a contributing factor to this critical mission, and it is imperative the mission remain on schedule for the best possible data to be collected.

The Aircraft and Airfield Related Services contract is currently being recompleted. In conducting market research and during the Acquisition Strategy process, NASA determined a need to revise the Statement of Work (SOW) as well as the business model for the follow-on contract. The reassessment of procurement approach and resulting revisions to the SOW took several months. This delay, together with the two critical deployment requirements, prompts the need for a five-month extension of this mission critical work.

B. Description of the supplies or services required to meet the agency's needs (including estimated value). [FAR 6.303-2(a)(3)]

The purpose of this JOFOC is to extend the current Aircraft and Airfield contract for a period of five months, pending completion of a competitive follow-on contract for this effort. The current contract provides mission critical aircraft services for aircraft operations, maintenance and

research at NASA Ames Research Center, as well as operation of the Moffett Federal Airfield. These mission critical services support research, technical investigations, scientific studies, airworthiness activities, flight operations, and safe and efficient operation of the Moffett Federal Airfield. The required services involve the following technical areas: mechanical systems, electrical/electronics systems, instrumentation, software and data systems to support the Army Aeroflightdynamics Directorate (AFDD)² (known at NASA-ARC as the Research Support Division, or Code YS) and the Aviation Management Office (Code JO).

The North American Industry Classification System (NAICS) Code for Aircraft and Airfield Related Services is 488190, "Other Support Activities for Air Transportation," size standard \$7M. The estimated value of the services for this five-month extension is approximately \$ * million, based on the Government's Independent Cost Estimate (ICE). The ICE was based on a technical review of anticipated flights, including labor and materials, necessary for continued performance of Aircraft and Airfield Related Services for the remaining period of performance. The current contract is a Cost Plus Award Fee (CPAF) contract with value of \$ *. Based on review of anticipated requirements during the extension, the value needs to be increased by a total of \$ *, from the current value of \$ * to a value of \$ *.

C. An identification of the statutory authority permitting other than full and open competition. [FAR 6.303-2(a)(4)]

The statutory authority is 10 USC 2304(c)(1), *Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements*.

D. Demonstration of the proposed Contractor's unique qualification or the nature of the acquisition requires use of the authority cited. [FAR 6.303-2(a)(5)]

In accordance with FAR 6.302-1(a)(2)(iii), for DoD, NASA, and the Coast Guard, services may be deemed to be available only from the original source in the case of follow-on contracts for the continued provision of highly specialized services when it is likely that award to any other source would result in substantial duplication of cost to the Government that is not expected to be recovered through competition, or unacceptable delays in fulfilling the agency's requirements.

The five-month extension to the current contract is necessary to provide coverage of the mission critical Aircraft and Airfield requirements pending completion of the competitive follow-on action. Further, the five-month extension to the current contract also is necessary to avoid unacceptable delays in support of NASA's two critical deployments scheduled between June and September 2009. If the extension is not approved, support for various requirements throughout the Center will be impacted.

Award to any other source for this five-month extension period would result in substantial duplication of costs to the Government that would not be recovered through competition. This duplication of costs would include not only those costs associated with competing a separate procurement for the extension period, but also the potential costs associated with phase-in activities should the incumbent not be selected for this effort. Hence a five-month extension,

² AFDD is a division of the Aviation and Missile Research, Development and Engineering Center (AMRDEC) and the US Army Research Development and Engineering Command (RDECOM)

rather than a new procurement for a five-month contract, is the only cost-effective and reasonable approach for NASA to take in the present situation.

E. Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by FAR Subpart 5.2 and, if not, which exception under 5.202 applies. [FAR 6.303-2(a)(6)]

On March 6, 2009, a synopsis was posted on the NASA Acquisition Internet System (NAIS) and the Federal Business Opportunities (FedBizOpps) Portal to inform the public of NASA's intent to extend contract NNA05BE29C with L-3 Communications Vertex Aerospace, LLC., in order to continue performance. The synopsis provided instructions for interested organizations to submit capabilities and qualifications to perform the effort to the Contracting Officer. No capability statements were received in response to the synopsis.

F. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable. [FAR 6.303-2(a)(7)]

The Contracting Officer has determined that the Government's \$ * Independent Cost Estimate (ICE) is fair and reasonable. Further, the price to be proposed by the Contractor to perform the five-month extension will be analyzed by the Contracting Officer in accordance with FAR 15.404, using cost and price evaluation techniques, to assure that the proposed price is fair and reasonable. Pre-negotiation objectives will be prepared prior to the initiation of negotiations and will be approved in accordance with FAR 15.406 prior to the conduct of negotiations.

G. Description of the market research conducted and the results or a statement of the reason market research was not conducted. [FAR 6.303-2(a)(8)]

A synopsis was posted in NAIS and FebBizOpps as stated in paragraph E above. No capability statements were received in response to the synopsis.

H. Any other facts supporting the use of other than full and open competition. [FAR 6.303-2(a)(9)]

The Contractor provides support to various organizations at the Center. Both Code YS and Code JO have determined that L-3 Communications is highly qualified to continue performance of the Aircraft and Airfield contract at NASA Ames Research Center through October 31, 2009, pending award of a follow-on contract for the required services. Task performance—in terms of safety, milestones, scheduled metrics, and deliverables—is well organized, prioritized, and safely completed on time and within budget. The Contractor has received semi-annual award fee ratings between "Very Good" to "Excellent" since award of the contract.

I. Listing of the sources, if any, that expressed, in writing, an interest in the acquisition. [FAR 6.303-2(a)(10)]

No other source expressed interest in providing the additional work required by this extension.

* Redacted per FOIA Exemption 5

J. Statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required. [FAR 6.303-2(a)(11)]

This sole source award of a five-month extension to the Aircraft and Airfield contract is needed to increase the contract value in order to continue the work currently being performed under the contract, as well as complete two critical deployments scheduled between June and September 2009. The procurement process and award of the follow-on contract were delayed due to the changes in acquisition strategy and revisions to the requirements set in the SOW.

The current Aircraft and Airfield contract was awarded as a full and open competition. The follow-on contract will also be competed.

For the foregoing reasons, and pursuant to FAR 6.302-1(a)(2)(iii), L-3 Communications is the only responsible source to perform the Aircraft and Airfield requirement from May 31, 2009, through October 31, 2009.

Signature Page

Requirement Initiator:
Samuel Caires

I certify that the facts presented in this justification are accurate and complete.

Samuel Caires

5-6-09

Signature

Date

Contracting Officer:
Veronica Llamas

I hereby determine that the anticipated cost to the Government will be fair and reasonable and certify that this justification is accurate and complete to the best of my knowledge and belief. [FAR 6.303-2(a)(12)]

Veronica Llamas

5/6/09

Signature

Date

CONCURRENCE:

Directorate Manager:
Deborah L. Feng

for

Ernest Jennings

5/12/09

Signature

Date

Procurement Officer:
Jeffery M. Lupis

for

Jeffery M. Lupis

5/12/09

Signature

Date

APPROVAL:

Center Competition Advocate:
Lewis S.G. Braxton III
ARC Deputy Director

Lewis S.G. Braxton III

5/13/09

Signature

Date

cc (after approval):
JAB/241-1