

**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
Procurement Division (Code JAC)

Purchase Request No.: 4200301679

Procurement Title: Space Technology Research and Development (STRAD)

Total Estimated Value: **FOIA Exemption 5**

Period of Performance: August 1, 2009, through March 31, 2010 (if approved)

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 (NFS) 1806.303.

Detailed Information:

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

NASA Ames Research Center (ARC) proposes to negotiate a sole source contract modification with Eloret Corporation, to extend the period of performance of contract NNA04BC25C up to eight months, pending completion of a competitive procurement for a follow-on contract for this effort. This extension will consist of a four-month base period and four 1-month options. The performance period to be covered by this action will begin August 1, 2009, with the potential to run through March 31, 2010.

Background:

Contract NNA04BC25C was competed as a Small Business Set-Aside and awarded on September 24, 2004, with an effective date of October 1, 2004. The contract had an ultimate completion date of September 30, 2008 (after exercise of all options). The contract type is Cost-Plus-Award-Fee (CPAF).

Effort for the recompetition began in early 2007. Revisions to the business model utilized during acquisition strategy delayed issuance of the solicitation until October 28, 2008. This delay prompted a JOFOC (approved September 28, 2008) to extend the contract's performance period for five months, through February 28, 2009.

Proposals were received December 12, 2008, and evaluation commenced. It became clear that evaluation and contract award could not be completed prior to the existing contract's end date of February 28, 2009. A second JOFOC (approved February 27, 2009) extended the contract performance period an additional five months, through July 31, 2009.

This JOFOC documents the bases and authority to enter into a third extension period for a maximum of eight months. This extension will consist of a four-month base period and four 1-month options. The performance period to be covered by this action will begin August 1, 2009, with the potential to run through March 31, 2010. This extension means the total contract performance period will exceed five years (October 1, 2004, through a maximum of March 31, 2010, for a total of 5.5 years), which is permissible pursuant to Procurement Information Circular (PIC) 00-22, *Class Deviation—Five Year Term of Contract*.

Review of proposals necessitated more time than was envisioned when the process began in February 2009. The Source Evaluation Committee (SEC) is completing its initial evaluation of proposals. The Source Selection Authority (SSA) will then need to determine the next steps to be taken to complete the procurement process. It is anticipated that the proposed four-month base period extension will provide sufficient time for contract award; however, ARC is prepared to exercise one or more of the options provided for in this JOFOC, as necessary. In order to complete the procurement process and award the follow-on contract, the current contract must be extended a third time.

The purpose of this extension is to provide on-going support for mission-critical work at ARC pending placement of a follow-on contract for the required support.

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 Space Technology Research and Development (STRAD) contract NNA04BC25C for a period of up to eight additional months, pending completion of a competitive follow-on contract for this effort. The STRAD contract includes mission-critical analytical and experimental support for various NASA programs, including on-orbit aerothermal analysis for Space Shuttle missions, scientific and engineering support for the Crew Exploration Vehicle (CEV) Aerosciences Project, and the Thermal Protection System Technology Development Project. It supplies NASA Ames with engineering, science, and administrative support services, including materials development, modeling and analysis, and testing; personnel skill sets include staff engineers, research and development scientists, computational fluid dynamics experts, and IT and documentation support staff. This extension will enable the requiring organizations to continue to obtain support.

The estimated value of the services for this additional eight-month extension is [FOIA Exemption 5](#) [FOIA Exemption 5](#) for the four-month base period, and [FOIA Exemption 5](#) for each of the one-month option periods) based on the Government's Independent Cost Estimate. The Independent Cost Estimate was determined based on a technical review of labor and materials anticipated to be necessary for continued performance of current and anticipated tests and projects for the remaining period of performance. This extension will require an increase in contract value and ceiling by [FOIA Exemption 5](#), from the current value of [FOIA Exemption 5](#) to a value of [FOIA Exemption 5](#).

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 additional eight-month (maximum) extension to the current contract is necessary to provide coverage of critical technical requirements pending completion of the competitive follow-on action. It is considered that competition of the subject requirement for the anticipated additional eight-month extension period would result in substantial duplication of cost to the Government that is not expected to be recovered through competition. Costs that would be duplicated include not only those associated with the conduct of a separate competition for the additional eight-month period, but also those associated with start-up and learning activities required to ensure that a new contractor has proper knowledge of the work requirements necessary to support STRAD.

The current contractor is critically involved with on-going projects and tests including on-orbit aerothermal analysis for Space Shuttle missions, which would be adversely impacted without continued support. A separate competition and award of this increased level of services to another vendor would neither be feasible nor reasonable given the current recompetition for the follow-on contract. It would further cause a substantial duplication of cost to the Government that is not expected to be recovered and would affect the seamless continuity of services necessary to support this area of the Center's and NASA's mission.

Failure to extend the contract would also result in unacceptable delays in fulfilling critical requirements currently performed under this existing contract and to be performed under the follow-on contract. A gap in performance of these critical requirements would cause harmful consequences for both the Center and the Agency, given the importance of the work being performed under this contract, as reflected above. Further, the award of a separate eight-month contract also would generate unacceptable delay, due to the unavoidable start-up and related learning curve that would be associated with a new contractor.

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 June 17, 2009, a synopsis was posted on the NASA Acquisition Internet System (NAIS) and the Federal Business Opportunities Portal (FedBizOpps) to inform the public of NASA's intent to extend contract NNA04BC25C with Eloret Corporation in order to continue performance through March 31, 2010. 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. It is noted that the previous two sole-source extensions were also synopsized pursuant to FAR 5.201; no capability statements were received in response to either of those synopses.

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's signature on this document indicates that the Contracting Officer has determined that the anticipated cost to the Government will be fair and reasonable. Prior to execution of the contractual instrument, a proposal analysis will be performed in accordance with FAR 15.404. The proposal analysis will ensure that the final agreed-to price for the contract extension is fair and reasonable. Analysis will include cost and price evaluation techniques. 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 FedBizOpps as stated in paragraph E above and no interested parties responded.

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

The Office of Space Technology, Space Technology Division, has determined that Eloret Corporation is highly qualified to continue performance of this contract at NASA Ames Research Center, pending award of a follow-on contract for the required services. The contractor's 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 "Excellent" Award Fee ratings 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 and increase in contract value.

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)]

As noted above, this sole source award of an extension to the STRAD contract is due to delays in the schedule for the evaluation, selection, and award of the contract. These delays were not anticipated at the time of the prior extensions.

The STRAD requirement was awarded as a result of a Small Business Set-Aside and is currently in the process of recompetition. It is again being competed as a Small Business Set-Aside.

For the foregoing reasons and to prevent unacceptable delays and substantial duplication of costs in fulfilling the Agency's requirements, Eloret Corporation is the only responsible source to perform the STRAD requirement from August 1, 2009, through March 31, 2010, unless the follow-on contract is awarded before then.

K. Contracting officer certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.

See Below.

Requirement Initiator:
Michael Wilder
Contracting Officer's
Technical Representative

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



Signature

6/17/09

Date

Contracting Officer:
Brenda K. Hess
Contracting Officer

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.



Signature

18 June 2009

Date

CONCURRENCE:

Directorate Manager:
Dr. Eugene Tu

ET



Signature

16 July 09

Date

Procurement Officer:
Jeff Lupis



Signature

7/23/09

Date

APPROVAL:

Center Competition Advocate:
ARC Deputy Center Director



Signature

7.23.09

Date