

National Aeronautics and
Space Administration
Langley Research Center
100 NASA Road
Hampton, VA 23681-2199



June 8, 2009

Reply to Attn of:

126

TO: 126/Contracting Officer, Research and Projects Contracting Branch, OP

FROM: 162/L. David Wall, Research and Technology Directorate

SUBJECT: Justification for Other than Full and Open Competition to Increase the Contract Ceiling of Contracts NNL04AA10B, NNL04AA11B, NNL04AA12B, and NNL04AA13B with Analytical Services & Materials, Inc., The Boeing Company, Lockheed Martin Corporation, and Northrop Grumman Systems Corporation, Respectively

1. Recommendation

I recommend that NASA Langley Research Center (LaRC) negotiate with Analytical Services & Materials, Inc., The Boeing Company, Lockheed Martin Corporation, and Northrop Grumman Systems Corporation to modify contracts NNL04AA10B, NNL04AA11B, NNL04AA12B, and NNL04AA13B, respectively, to increase the total cumulative maximum contract value amongst the four contracts by \$19,750,000 from \$39,000,000 to \$58,750,000 for the continuation of aerospace vehicle technology development services.

2. Nature of the Action

The four contracts were awarded on August 20, 2004 to provide contract support in Structures and Materials and Aerodynamic, Aerothermodynamic & Acoustics Technology for Aerospace Vehicles (SMAAATAV), to LaRC research and technology programs during the five year period of performance from August 20, 2004 through August 19, 2009. NASA LaRC is currently conducting a competition to award the successor contract for Structures, Materials, Aerodynamics, Aerothermodynamics and Acoustics Research and Technology (SMAAART). A sources sought synopsis was issued for the SMAAART requirement on February 13, 2009, and it is anticipated that the follow-on contract will be awarded late in calendar year 2009. NASA LaRC intends to extend the term of the SMAAATAV contracts pursuant to FAR 52.217-9, Option to Extend Services, through February 2010 or until the follow-on is awarded, whichever is earlier. Due to unanticipated requirements, the current Indefinite Delivery Indefinite Quantity (IDIQ) ceiling of \$39,000,000 has been reached, and NASA LaRC has continuing Agency and Center critical requirements that must be met. This increase to the current multiple award IDIQ contracts is a stop gap measure to serve as a bridge to cover critical NASA work and to allow sufficient time for NASA LaRC to complete the competitive, follow-on SMAAART acquisition. Because of the time needed to complete the competition,

and compete and award new tasks under these new contracts, the current increase is necessary to ensure work can continue during this period of transition to avoid an interruption in the critical work noted above.

3. Description of the Required Supplies/Services

The objective of the SMAAATAV contracts is to support research and development in Structures and Materials and Aerodynamic, Aerothermodynamic & Acoustics Technology for Aerospace Vehicles (SMAAATAV). The contract provides support for analytical and experimental research and technology development in the areas of structures and materials and aerodynamics, aerothermodynamics, and acoustics. Within Structures and Materials, required services include structural concepts, mechanics, dynamics, aeroelasticity, nondestructive evaluation and advanced materials and processing. Within aerodynamics, aerothermodynamics, and acoustics, required services include configuration aero, flow physics and control, noise prediction and control, hypersonic air-breathing propulsion, and advanced measurement techniques. Task orders issued against the IDIQ contracts have been utilized to provide NASA contractual flexibility to meet a wide spectrum of services under the areas noted.

Between August 20, 2004 and August 31, 2007 only about \$11,200,000 of orders had been placed against the contracts. Since August 2007 the contracts have experienced accelerated usage, and the total amount of orders placed to date is approximately \$38,513,731. The significant increase in usage over the past two years can be attributed to work that could not be anticipated at the time the maximum ordering value of the contracts was established, primarily due to a shift in NASA LaRC's role in fulfilling the President's Vision for Space Exploration.

As discussed below, we have current requests in progress in the Office of Procurement for additional efforts and/or logical follow-ons to current task orders totaling an additional \$1,315,000. These requests exceed our available contract ceiling of \$486,269 by \$828,731.

1. The NESC has requested a modification to extend the period of performance of task order NNL07AE35T for support of the Max Launch Abort System (MLAS) Flight Demonstration through the revised launch date of June 17, 2009.
2. The NESC has requested a modification to extend the period of task order NNL07AE28T for design and analysis support of the Composite Crew Module.
3. The Research and Technology Directorate has requested a modification to add additional effort under task order NNL08AA70T for Conceptual Level Hypersonic Vehicle Hot Wall Structure Nozzle Subcomponent Development.
4. The Research and Technology Directorate has requested a modification to add additional effort under task order NNL08AA61T for Advance Curve Wing Structure.

5. The Research and Technology Directorate has requested a new task order as a logical follow-on to Task Order NNL08AD70T for Lightweight Composite Joint Concept Development and Evaluation for an Ares V Vehicle.

Additionally, the Contracting Officer's Technical Representative is working with the organizations on defining requirements for the below listed new efforts, totaling \$16,350,000, which fall clearly with the scope of the SMAAATAV IDIQ and could not have been known at the time the maximum ordering value of the contracts was established. These efforts result from the Space Exploration mission or from the President's Fiscal Year 2009 Budget Augmentation which created the Integrated Systems Research Program and the Environmentally Responsible Aircraft (ERA) effort.

- a. The Research and Technology Directorate has identified a requirement for Structurally Efficient Composite Struts for the Altair Lunar Lander, in support of Space Exploration.
- b.
- c.
- d.

The Contracting Officer's Technical Representative analyzed the current task orders under the SMAAATAV contract and discussed upcoming requirements over the upcoming 10 month period with organizations across LaRC. Based upon these actions, the COTR determined that an additional \$2,500,000 would be necessary to support additional requirements prior to the award of the SMAAART contract. After considering upcoming requirements estimated at \$20,165,000 versus an available ceiling of \$486,269, I recommend increasing the current contract ceiling of \$39,000,000 by \$19,750,000 for a new contract ceiling of \$58,750,000.

4. Statutory Authority

Provisions for this Justification for Other than Full and Open Competition are made under the statutory authority of 10 U.S.C. 2304(c)(1) as implemented by FAR 6.302-1, "Only One Responsible Source and No Other Supplies or Services will Satisfy Agency Requirements." Pursuant to FAR 6.302-1(a)(2), full and open competition need not be provided for when the supplies or services required by the agency are available from only one or a limited number of responsible sources, and no other type of supplies or services will satisfy agency requirements. The continuation of technical support for ongoing LaRC Research and Technology programs is available only from the original sources, Analytical Services & Materials, Inc., The Boeing Company, Lockheed Martin Corporation, and Northrop Grumman Systems Corporation. A

follow-on effort to this contract is currently in process. This action is to provide a “bridge” until the award of the follow-on, and therefore providing the increased contract ceiling necessary to ensure that critical research and technology development efforts continue.

Award of this contract effort to any other sources would result in substantial duplication of cost to the Government that could not be recovered through competition. In addition, LaRC's productivity, and ability to deliver on critical commitments of Agency and National importance, will be seriously impaired if the services provided by the SMAAATAV contracts are allowed to lapse.

5. Contractor's Unique Qualifications/Reasons Why the Acquisition Requires the Use of the Authority Cited

The proposed action would increase the contract maximum value for the 4 SMAAATAV contracts as a stop gap measure to act as a bridge to cover critical NASA work and to allow sufficient time for NASA LaRC to complete a competitive acquisition. The SMAAATAV contracts were competitively awarded, and the 4 contractors compete for new tasks in accordance with FAR 16.505(b)(1), Fair Opportunity. Fair Opportunity requires that the contracting officer must provide each of the 4 awardees a fair opportunity to be considered for each order exceeding \$3,000, unless one of 4 statutory exceptions applies.

It is impractical for any contractors other than the incumbents, Analytical Services & Materials, Inc., The Boeing Company, Lockheed Martin Corporation, and Northrop Grumman Systems Corporation to perform this additional effort in the ten months remaining on the contract, inclusive of the period of performance extension granted pursuant to FAR 52.217-9. It is highly unlikely that benefits would accrue to the Government by competing this interim requirement that would justify the resources needed to solicit, evaluate proposals, and award such a short-term contract. Furthermore, it would be difficult to obtain competition for this interim requirement, since firms would be less likely to invest bid and proposal dollars, as well as bear substantial start up costs, to compete against the incumbent contractors for a possible 10 month contract. In addition, the time necessary to conduct a new acquisition and award to any other contractors would result in a lapse in services which would have a lasting disruptive impact on the current supported research. The current SMAAART acquisition is the most expedient contract mechanism to cover the types of services under the SMAAATAV contract; however, this contract will not be awarded in time to prevent a lapse in service. Last, it is not feasible for companies to assemble a team to meet the short-term requirements of a ten month extension in a cost-effective or efficient manner. Therefore, it is not practical to compete this interim requirement because of the substantial amount of technical and complex skills required, the substantial administrative effort required of the contractor and the related required transition time, and the duplication of effort with the SMAAART acquisition.

6. Efforts to Solicit Other Sources

In accordance with FAR 5.203(c), the proposed modification for the proposed \$19,750,000 increase will be synopsisized in the Federal Business Opportunities (FedBizOpps) and on the NASA Acquisition Internet Service (NAIS).

7. Determination by the Contracting Officer of Fair and Reasonable Costs

The basic IDIQ contract calls for cost plus fixed fee task orders. Individual tasks are determined fair and reasonable by the contracting officer using cost and/or price analysis based upon the circumstances of the order. The contractors each have approved cost accounting systems and approved forward pricing rate agreements.

8. Description of Market Research

A market survey for this proposed modification was not conducted. However, the results of the market survey for the competitive follow-on SMAAART contract were considered in developing the procurement strategy for this modification. The market research for the SMAAART procurement resulted in a determination that a reasonable number of respondents are capable of potentially assuming the role of prime contractors in fulfilling the Government's requirements for the SMAAART procurement. However, based upon a review of the additional efforts and/or logical follow-ons to current task orders, as well as the unanticipated requirements set forth above, the Government has determined that it is impractical for any contractor other than the incumbents, Analytical Services & Materials, Inc., The Boeing Company, Lockheed Martin Corporation, and Northrop Grumman Systems Corporation, to perform the additional services for the reasons set forth in paragraph 5 of this document.

9. Any other facts supporting the use of other than full and open competition: N/A

10. Listing of Sources that Expressed Interest

Pursuant to NFS 1804.570, this proposed contract action will be published on NAIS and pursuant to FAR 5.201, this proposed contract action will be synopsisized in FedBizOpps. There have been no written expressions of interest in this acquisition action to date. However, if any are received as a result of the NAIS publication or the FedBizOpps synopsis, they will be appropriately disposition and documented by addendum to this document.

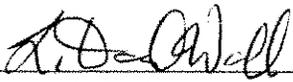
11. Subsequent or Follow-on Acquisitions

As noted above, a competitive follow-on to SMAAATAV (SMAAART) is currently underway with the expectation of making award to multiple sources and competing future tasks. This recommended increase to the current contract ceiling value will avoid a lapse in Contractor

support by bridging the gap between the award of the new instruments and the current maximum contract value. This action will avoid an interruption in critical mission work as defined above and allow continuation of the effort.

Technical Certification

I certify that to the best of my knowledge and belief, the data presented in this justification is accurate and complete.



 L. David Wall
 Contracting Officer Technical Representative

6/3/09

 Date

Contracting Officer Certification

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.

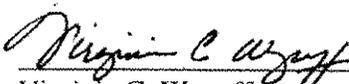


 Susan E. McClain
 Contracting Officer

6/8/2009

 Date

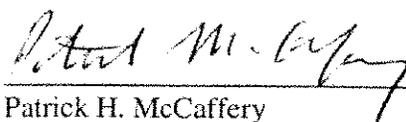
Concurrence:



 Virginia C. Wycoff
 Procurement Officer

6/11/2009

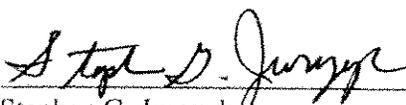
 Date



 Patrick H. McCaffery
 Office of Chief Counsel

6/3/09

 Date



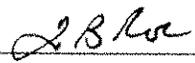
 Stephen G. Jurczyk
 Competition Advocate

6/15/09

 Date

LaRC Memorandum to Contracting Officer from L. David Wall, dated June 8, 2009

Approval:



Lesa B. Roe
Director

6/17/09
Date

- cc:
- 106/OD
- 134/OP
- 141/OCC
- ✓ 126/S. E. McClain
- 134/R. C. Froehlich
- 162/L. D. Wall

126/SEMclain:bt 6/2/09 (48687)