

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

The DSCOVR, originally named Triana, is a NASA mission which entered formulation in 1998. The original schedule called for a launch in 2000. The mission suffered multiple setbacks and was eventually de-manifested from the Space Shuttle in 2001. In 2008, the National Oceanic and Atmospheric Administration (NOAA) chartered a study with NASA to reconfigure the DSCOVR mission to become a space weather outpost. Currently, NASA has been given an earmark to refurbish the Earth Science instruments on DSCOVR. DSCOVR has two Earth Science instruments, the Earth Polychromatic Imaging Camera (EPIC) and the National Institute of Standards Advanced Radiometer (NISTAR). LMSSC originally designed, built and tested the EPIC instrument. When the mission was demanifested in 2001, the project and their contractors archived files and put critical equipment into secure storage. Understanding the importance and relevance of those records and inventory is necessary for refurbishing and retesting the instruments. LMSSC has maintained sole possession and maintenance of these archives and critical equipment. LMSSC continues to employ individuals who were associated with the original design, build and test of the instrument. The corporate knowledge and experience LMSSC solely possesses is essential to performing the disassembly, modification, reintegration and the functional testing and calibration of the instrument without substantial duplication of cost to the government -- costs that are not expected to be recovered through competition. No other organization has the knowledge of the EPIC instrument to enable a timely refurbishment of the instrument.

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 Federal Acquisition Regulation (FAR) 5.202:

In accordance with FAR subpart 5.2, this procurement was posted on the NASA Acquisition Internet Service (NAIS) on October 9, 2009, in order to inform potential sources of NASA's intent to award this effort to LMSSC, and to provide them with the opportunity to be considered based on their qualifications and capabilities.

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

By signature on this document, the CO determines that the anticipated cost to the Government will be fair and reasonable. LMSSC will be required to submit a proposal to be evaluated and negotiated by the Government. The proposal will contain sufficient information to determine reasonableness of the price.

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 performed for this procurement because the government has concluded that using another contractor would cause unacceptable delays and would incur significantly higher costs. (See paragraph 9, below.)

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

LMSSC's knowledge of the instrument will allow them to immediately begin the work needed to fulfill this task. Competing contractors would incur additional costs to develop an understanding of the instrument, the associated ground support equipment, and the science requirements. LMSSC is in possession of not only the knowledge of how the instrument was built and the ability to operate the equipment needed to run the instrument, but they are also in possession of documentation that was not part of the deliverable package to the government that would be needed by a new contractor to perform the tasks in this procurement. Should another contractor be selected, the government would incur added costs at LMSSC for collecting, organizing, copying and shipping the documentation to a new contractor. A new contractor would have to receive the documentation, and work to develop an understanding of the system by many individuals with experience in multiple unique disciplines in order to complete the work under this procurement. The new contractor would also need to refer back to LMSSC if they had any questions while developing their understanding of the instrument and, most likely, would have to refer back to LMSSC as work progressed on modifying the flight hardware. This would also cause the government to incur added costs at LMSSC.

This additional scope which would be required of using a new contractor as opposed to using the LMSSC would have significant impact to cost and schedule. ~~Contract~~
~~_____~~
~~_____~~. Additionally, the time it would take a new contractor to come up to speed as well as the time lost due to the new contractor's inexperience with the hardware and ground system could result in the contract taking up to 50% longer than using a sole source procurement with LMSSC.

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

This acquisition was synopsised on the NASA Acquisition Internet System (NAIS) on October 9, 2009. To date, there have been no inquiries from other interested parties regarding this contract action.

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:

It is not expected that GSFC can overcome the barriers that prohibit competition of this EPIC instrument refurbishment procurement. Noncompetitive acquisition of this EPIC instrument refurbishment is an isolated case resulting from the circumstances described above.

JOFOC Signature Page for EPIC Refurbishment

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


Signature 11-2-09
Date

CONTRACTING OFFICER: I certify that this justification is accurate and complete to the best of my knowledge and belief.


Signature 11/4/09
Date

PROCUREMENT OFFICER:
(CONCURRENCE)


Signature 12/8/09
Date

GSFC COMPETITION
ADVOCATE:
(APPROVAL)


Signature 12/8/09
Date