

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's GSFC proposes to extend the contract entitled Business Application and Sustaining Engineering II (BASE II) services contract, contract number NNG09FE80C, with INDUS Corporation. 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 BASE II contract was awarded on October 30, 2008, with a maximum period of performance from November 1, 2008 through August 31, 2009, in support of GSFC's Information Technology and Communication Directorate (ITCD). Due to delays in the follow-on acquisition, GSFC proposes to extend the existing contract for a maximum additional period of 9 months, as well as increase the maximum ordering value.

The extension will be structured as one 5-month basic period, (from September 1, 2009 through January 31, 2010) and options periods not to exceed a maximum of 4 months total, (from February 1, 2010 through May 31, 2010). It is estimated that the total contract value, for the 9-month period, will be \$15,300,000. The maximum IDIQ ordering value is currently set at \$17,000,000. Therefore, it is requested that the maximum IDIQ ordering value be increased by \$15,300,000 to \$32,300,000.

The basic period of the extension is needed as a result of the determination to conduct discussions, as well as to offset a delay incurred when the evaluation process was put on hold due to receipt of a protest, and to allow sufficient time to complete the remainder of the procurement process. The protest was received June 30, 2009, in response to the competitive range determination, and was subsequently withdrawn on August 7, 2009. The option periods are included as a safeguard in the event of any schedule slips or unforeseen difficulties encountered during the final evaluation and selection. During the period of performance for the BASE II contract, the follow-on proposals have been in review. This extension is necessary to allow the ITCD time to complete their evaluation, make an award, and phase-in the new contractor.

This sole source contract will allow for a continuation of existing work and for new work until the BASE competitive follow-on contract is awarded. It is necessary in order to ensure program continuity and critical mission support, and to avoid significant technical impacts to the BASE program.

The sole source contract will also avoid the substantial duplication of costs that would be incurred if another contractor were brought onboard for a potential 9-month extension. It also eliminates the need for the new contractor to submit, and the Government to review, the various plans and programs that are required for the contract such as a Task Orders, Small

Business Plan, and Safety Plan. These have already been reviewed for INDUS and found to be acceptable.

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

The scope of work requires the contractor to provide program management services, computer operations services, business infrastructure support services, application development, deployment, enhancement, and continuous support for business information systems; provide sustaining engineering support; offer consultation services to help our customers make business decisions; initiate and perform studies analyzing new technologies, analyzing feasibility of technical approaches, defining user requirements, analyzing existing environments, identifying constraints, deriving and analyzing alternative solutions, recommending approaches and solutions, and estimating costs and benefits.

The services INDUS will provide for 9-months under BASE II are a continuation of the services provided under the existing BASE II contract, which is currently set to expire on August 31, 2009.

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

The applicable statutory authority permitting other than full and open competition is 10 U.S.C. 2304(c)(1) as cited under FAR 6.302-1 - only one responsible source and no other supplies or services will satisfy Agency requirements.

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

A sole source award to INDUS for BASE II is necessary due to the nature of the work performed under this contract. INDUS has the combined training, experience, and expertise to provide uninterrupted continuation of mission critical support. This mission critical support consists of Center-wide applications of highly specialized services such as IP management, e-mail services, maintenance of applications used by mission projects, security scans and investigations, and support for NASA's financial services, to name a few. If any of these services stop, or are even briefly interrupted, the entire Center would be negatively impacted. If NASA's GSFC attempts to procure these services from any other source for this interim period, the combination of delay due to the competitive process, the time required to transition a new management team to coordinate staffing levels and schedules, and 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 numerous ongoing projects that the BASE contract supports. Also, because of the time involved in procuring and phasing in another contractor, INDUS is considered the only contractor that can meet NASA GSFC's needs given the short term of the contract.

6. Description of the efforts made to ensure that offers are solicited from as many potential sources as practicable:

A notice to the Federal Business Opportunities (FedBizOpps) was published on July 13, 2009, as required by FAR Subpart 5.2. The result of the synopsis is included in paragraph 10.

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

In accordance with FAR 15.404-1 - Proposal Analysis Techniques, the Contracting Officer (CO) will utilize cost analysis techniques to evaluate the reasonableness of individual cost elements when cost or pricing data is required. INDUS will be required to submit a proposal to be evaluated and negotiated by the Government. A reasonableness determination will be made using information such as verification of labor and indirect rates by the cognizant audit Agency, a technical evaluation of the proposed hours and skill mix, comparison to the Government cost estimate, as well as the historical data for this effort.

The Government's cost estimate is based on the current contract rates. These rates were evaluated by the CO and determined to be fair and reasonable. After work is authorized, NASA GSFC's Contracting Officer's Technical Representative (COTR) will monitor performance. INDUS will be required to submit monthly and semi-annual financial management reports to be reviewed and analyzed by the Government. By signature on this document, the CO expects that the anticipated cost to the Government will be fair and reasonable.

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

A notice to FedBizOpps was published to announce NASA GSFC's intentions to award a maximum 9-month sole source contract extension. The result of the synopsis is included in paragraph 10. These intentions were based on NASA GSFC's technical personnel's knowledge of market conditions and capabilities at this time. There is no known company that has the ability to become familiar with the work provided by INDUS under the existing contract to continue the operations for the short duration necessary to put a follow-on contract in place without encountering an unacceptable delay to mission critical support and substantial cost. Further formal market research was not conducted for this contract action.

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

INDUS has demonstrated the ability to successfully perform under the current and former BASE contracts. Since these functions are to be continued for the proposed extension to the BASE II contract, detailed knowledge of the BASE and BASE II contracts greatly aids the contractor's ability to effectively and efficiently manage the work in a timely and efficient manner during the performance period of the BASE II contract. This will benefit the Government through lower cost and technical risk. INDUS is the only entity possessing this detailed knowledge as they have managed the effort for NASA GSFC's ITCD since March 1, 2002.

It is anticipated that an award to any other source for this interim contract would result in unacceptable delays in fulfilling NASA GSFC's requirements. [REDACTED]

[REDACTED]

These costs were identified based on estimates that were derived from the Government estimate for the follow-on procurement activities, which are currently ongoing. Costs in this area are based on similar charges incurred when the current contract was implemented and include but are not limited to, the following:

[REDACTED]

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

A notice to FedBizOpps was published to announce NASA GSFC's intentions to award a sole source contract extension on July 13, 2009. Firms desiring consideration were requested to fully identify their interest and capabilities within 15 days of the date of publication of the synopsis. The synopsis period closed on July 28, 2009. To date, no firms have expressed interest in the acquisition.

11. State the actions, if any, that the Agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services are required:

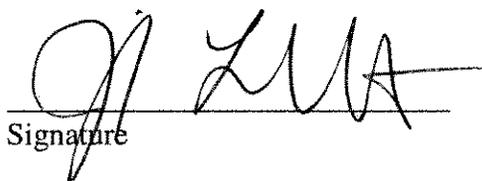
There are no barriers to competition of these services at the end of this contract. The follow-on procurement has drawn substantial interest. Proposals for the follow-on are currently in evaluation and the CO anticipates awarding the effort by February 1, 2010. Therefore, this action will have no effect on future actions and no further action is required to remove barriers to future competitions.

**JOFOC Signature Page for Contract Extension and Ceiling Increase of
Contract Number NNG09FE80C**

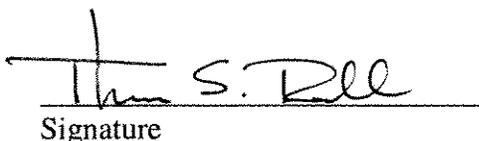
TECHNICAL DIRECTORATE: I certify that the facts presented in this Justification are accurate and complete.


Signature _____ Date 8/13/09

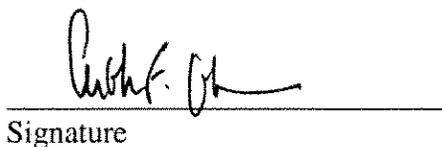
CONTRACTING OFFICER: I certify that the Justification is accurate and complete to the best of my knowledge and belief.


Signature _____ Date 8/13/09

for PROCUREMENT OFFICER:
(CONCURRENCE)


Signature _____ Date 8/13/09

GSFC COMPETITION ADVOCATE:
(CONCURRENCE)


Signature _____ Date 8/13/09

GSFC CENTER DIRECTOR:
(APPROVAL)


Signature _____ Date 8/20/09