

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
OVER \$100,000

1. This document is a justification for other than full and open competition prepared by the NASA, John F. Kennedy Space Center.
2. The nature and/or description of the action being approved: This justification provides the rationale for contracting by other than full and open competition for the acquisition of OS/COMET commercial software product licenses and extended maintenance from Harris IT Services Corporation.

Pursuant to Section 4202 of the Clinger-Cohen Act of 1996 this action is subject to FAR 13.5, Test Program for Certain Commercial Items. This FAR subpart authorizes, as a test program, use of simplified procedures for the acquisition of supplies and services in amounts greater than the simplified acquisition threshold but not exceeding \$6.5 million if the contracting officer reasonably expects, based on the nature of the supplies or services sought, and on market research, that offers will include only commercial items.

3. Description of the supplies or services required (including the estimated value):

Purchase of OS/COMET software licenses and extended maintenance through September 30 2012, total estimated value of \$588,516:

- Purchase of OS/COMET Bolt-On tools: Twelve (12) OA/Tool and twelve (12) FA/Tool licenses and extended maintenance agreement
- Purchase of extended maintenance agreement for existing OS/COMET licenses: OSCUIS004-SOC, COMCTCSTM004, OATOOL, FATOOL.

NASA KSC is involved in the development of the LCS currently providing the test, checkout and launch processing capabilities in support of NASA's Constellation (Cx) program.

4. Statutory authority permitting other than full and open competition: Test program for commercial items (section 4202 of the Clinger-Cohen Act of 1996) in accordance with FAR 13.501(a)(1)(ii).
5. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited: Harris IT Services Corporation was awarded contract N NK08MA78P for licenses and maintenance of their OS/COMET product. The Harris OS/COMET product is currently integrated in the LCS architecture allowing KSC to leverage from the commercial capabilities of the tool set for C&T processing functionality.

In fiscal year 2009, KSC developed LCS Dev 1.0 delivery in support of the Cx program's Ground Operations Element (GOE) using the OS/COMET product awarded in FY 2008. The

intent of this project is to build on previous success, using the LCS delivery as a basis for expanded maturity and capability of the LCS architecture. This follow-up work supports the LCS development deliveries, referenced as Build 10-1 and Build 11-1 for deployment in 2010 and 2011. KSC requires additional OS/COMET licenses to support the expanding deployment of LCS.

The requested licenses and maintenance are specifically designated to be compliant with the existing licensed software products, operating systems, and hardware platforms, and cannot be substituted with another manufacturer's product. This procurement is a follow-on effort for the continued development of a major system, and award to any other source would result in substantial duplication of cost to the Government that is not expected to be recovered through competition, and unacceptable delays in fulfilling NASA's requirements.

6. Description of the efforts made to ensure that offers are solicited from as many potential sources as practicable: In fiscal year 2008 NASA KSC held a full and open competition for a Command and Telemetry (C&T) Commercial Software Product for LCS. The development software was competitively solicited by issuing a combined Synopsis/Solicitation posting (NNK08244899Q) in the Federal Business Opportunities web site. Four proposals were received in response to the posting. An evaluation was made under best value criteria where Harris Technical Services was selected. Harris has been successfully providing the development and integration support to the LCS and has expanded the maturity and capability of the LCS architecture. There is no expectation of receiving a comparable product from another source that can continue the progress achieved so far in the system development and meet the current program requirements.

The Consolidated Contracting Initiative (CCI) Home Page was researched to determine whether there are existing NASA contracts to provide these products. No CCI contract or solicitation was found which covers the requirement herein. This procurement was not listed on the Contract Resource List, the NASA-Wide Acquisition Planning or the Inter-Agency Contract Resource. A posting was not made at the CCI because this purchase is included in the Center's Annual Acquisition Forecast.

Upon approval of this justification, a synopsis of the proposed contract action prepared in accordance with the format in FAR Subpart 5.207 will be posted for on the Federal Business Opportunities (FedBizOpps) website. This synopsis will provide an opportunity for any interested organization to submit their capabilities and qualifications for NASA to determine if this proposed effort can be competed at a full and open competition basis.

7. Determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable: NASA/KSC will provide a determination that the price to acquire the services offered by Harris is fair and reasonable to the Government based on comparison to similar goods and services previously purchased.

8. Description of the market survey conducted and the results, or a statement of the reasons a market survey was not conducted: Market research confirms that Harris is the only publisher

for the OS/Comet software. If the Government would select alternate software to continue the development of the LCS, it would create compatibility issues with the current development platform of the LCS software architecture and duplication of costs as shown above. Therefore, no additional market survey was conducted.

9. Other facts supporting the use of other than full and open competition: An estimate of the cost that would be duplicated by selecting alternate software would include the following:

- The forgone costs of the original competed purchase equal to _____ plus,
- The additional cost to re-procure the software platform to base the LCS architecture (which would range from _____ to _____ – estimate based on historic data from previous competition efforts), and,
- Because KSC used OS/Comet to develop the LCS Dev 1.0 delivery that supports the Constellation program's Ground Operations Element (GOE), changing any part of the software platform will cause the Government to lose two years of software development work so far invested in the project.

10. A listing of sources, if any, that expressed an interest in the acquisition:

As stated in section 5 above, Harris IT services was selected to provide a commercial software product that provides the core command and telemetry processing capabilities used for the LCS development effort. The selection was made competitively and development efforts have progressed, there are no other resellers compatible with the existing product that will meet the need of the program.

11. A 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: At this time the Agency does not anticipate that any actions can be taken to remove or overcome barriers to competition before any subsequent acquisition for the subject software. However, NASA KSC will assess the situation prior to any future acquisitions, and take appropriate actions if competition becomes feasible.