



JOFOC No. 4
PR No. 4200370070

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
10 U.S.C. 2304(c)(1) AND FAR 6.302-1

1. This document is a justification for other than full and open competition (JOFOC) prepared by the NASA Dryden Flight Research Center (DFRC).

2. The nature and/or description of the action being approved:

The purpose of this document is to provide rationale for procuring by other than full and open competition for the acquisition of local telephony services for DFRC. This will be a 5-year firm fixed-price contract (base year with four 1-year options).

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

Telephony services, to include:

- Various multi-line/multiplexed circuits for connections from DFRC to the PSTN (Public Switched Telephone Network); (approximately \$114,000.00 per year).
- Individual POTS (Plain Old Telephone System) lines for use at DFRC; (approximately \$65,000.00 per year).
- Various circuits for specified use, i.e., full bandwidth Internet connectivity, DSL circuits, etc.; (approximately \$11,000.00 per year).

TOTAL ESTIMATED VALUE: \$950,000.00 or \$190,000.00 per year

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

The statutory authority for proceeding with this acquisition is FAR 6.302-1(a)(2)(iii). This citation states that full and open competition need not be provided when the services required by the Agency are available from only the original source in case of a follow-on contract for the continued provision of highly-specialized services when substantial duplication of cost to the Government would not be expected to be recovered through competition, or there would be unacceptable delays in fulfilling the Agency's requirement.

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

5. Continued:

The telephony services being procured are currently provided by American Telephone and Telegraph (AT&T), the incumbent contractor and the Incumbent Local Exchange Carrier (ILEC) in the Edwards, California (Edwards) area. Competition would require a Competing Local Exchange Carrier (CLEC) to establish the required infrastructure for the services in the Edwards area, the expense and effort of which would be substantial to the Government and not expected to be recovered through competition. There is no CLEC known in the area, especially one that could provide the variety and quality of the required services at a reasonable price and without interruption in service. [See Appendix A for an explanation of LECs, ILECs AND CLECs.]

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

This requirement will be posted on the Federal Business Opportunities web-site (www.fedbizopps.gov). Capabilities statements will be requested from other telephony service providers.

We expect no other sources will respond to this requirement due to the exclusive rights or agreement for AT&T to provide these services in the Edwards area.

7. A determination by the Contracting Officer that the anticipated costs to the Government will be fair and reasonable:

It is anticipated that the cost to the Government will be fair and reasonable. Historical data can be obtained from DFRC Order NND11AN57P to compare the proposed costs.

Under the aforementioned purchase order, DFRC is currently paying \$15,833.34 per month for a period of six (6) months (October 1, 2010 through March 31, 2011). This is equal to the amount anticipated to be paid per year under this new requirement (refer to Paragraph 3 above) for the same or similar services.

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

A market survey was conducted by reviewing internet resources for relevant information:

- GSA Contract GS-35F-0297K: www.gsa.gov
- Telecommunications Act of 1996: <http://www.fcc.gov/telecom.html> and http://en.wikipedia.org/wiki/Telecommunications_Act_of_1996
- Local Exchange Carrier: http://en.wikipedia.org/wiki/Local_exchange_carrier
- Incumbent Local Exchange Carrier: http://en.wikipedia.org/wiki/Incumbent_local_exchange_carrier
- Competitive Local Exchange Carrier: http://en.wikipedia.org/wiki/Competitive_local_exchange_carrier
- Competitive Local Exchange Carrier (CLEC) Operations Support System Interconnection Procedures: https://clec.att.com/clec_documents//unrestr/hb/13%20State/227/oss//CLEC%20OSS%20Interconnection%20Procedures.pdf

8. Continued:

Conclusion is there are no known sources to provide these services due to the exclusive rights or agreement for AT&T to provide these services in the Edwards area.

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

Other possible service providers, or CLECs, would either rebuild the existing infrastructure with their equipment or purchase the infrastructure services outright from the ILEC (AT&T). This would likely result in a substantial increase in price for the same services and may result in the inability to meet the Government's quality and availability requirements.

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

It is not anticipated that other sources will express an interest in this requirement.

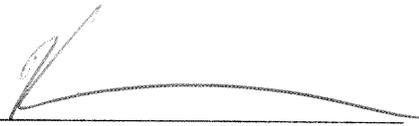
11. The actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required:

DFRC will continue to conduct market research to locate other service providers that can meet the Government's needs.

12. The undersigned Contracting Officer has determined 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 their knowledge and belief.

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Technical Officer: I certify that the facts presented in this Justification are accurate and complete.



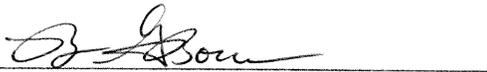
Date: 2/22/11

Directorate Chief:
(Concurrence)



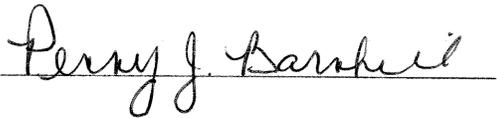
Date: 2/22/11

Contracting Officer:
(Concurrence)



Date: 2/23/11

Procurement Officer:
(Concurrence)



Date: 3/1/11

DFRC Competition
Advocate:
(Approval)

I hereby determine that the anticipated cost to the Government will be fair and reasonable, and that this Justification is accurate and complete to the best of my knowledge and belief.


(Signature)

Date: 3/1/2011