

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 Headquarters proposes to enter into a contract with the University of Hawaii Institute for Astronomy for the management and operations of its Infrared Telescope Facility (IRTF), a complete astronomical facility housing a 3.0 meter telescope located at 13,675 feet in altitude near the summit of Mauna Kea on the Big Island of Hawaii on land subleased from the University of Hawaii. The IRTF is operated by the Science Mission Directorate to provide timely observations of Solar System objects and planetary research data in support of spacecraft missions. 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 proposed effort represents a continuation of services currently covered by the cooperative agreement NNX08AE36A with the University of Hawaii Institute for Astronomy, which expires on January 31, 2013 and is being extended for 6 months to provide additional time for the execution of this award. This justification requests approval to place a contract with the University of Hawaii Institute for Astronomy using other than full and open competition. The resulting contract shall be 5 years with a period of performance from August 1, 2013 through July 31, 2018. NASA is acquiring future services by contract because the cooperative agreement approach was not appropriate for the nature of the services being acquired.

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

The objective of this effort is to maintain and operate the Infrared Telescope Facility and to develop and implement a science strategy that will support NASA's science and mission goals. Under the proposed contract, the University of Hawaii Institute for Astronomy would be responsible for providing the management, strategic planning, personnel, equipment, material, external facilities, and services.

The required services include:

1. The establishment of an IRTF office with a Director which will have overall responsibility for the IRTF
2. Maintenance of the building, telescope, and support infrastructure
3. Plans for critical improvements to the building, telescope, and supporting equipment to assure continued operation of the IRTF
4. Manage the solicitation and selection of scientific research proposals for the use of the IRTF facilities based on recommendations of a national time allocation committee assembled by the Director

5. Schedule the use of the IRTF for both scientific use and for maintenance
6. Support the semi-annual IRTF-Keck Management Operations Working Group meetings
7. Maintain contact with the User Community to insure the continuing viability of the IRTF through email and web communication, and representation at relevant conferences
8. Maintain a scientific staff who will be able to
 - a. Assess and propose improvements to IRTF facilities and instrumentation to enhance the capability to support NASA space research and missions
 - b. Provide support to visiting astronomers in obtaining observations as required

Total estimated value of this 5-year contract is \$27.3 million.

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

The statutory authority for procuring this requirement by other than full and open competition is 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.

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

NASA entered into a lease agreement approved by the State of Hawaii which states, "The Sublessee (NASA) shall use the premises exclusively for infrared astronomical observatory facilities to be constructed and managed by and at the expense of the Sublessee (NASA) with the assistance of the University of Hawaii through a contractual agreement..."

The University of Hawaii Institute for Astronomy has over three decades of experience operating the IRTF and managing the science and instrument development strategy in support of NASA's science and mission objectives. The IRTF is a one-of-a-kind astronomical facility and the University of Hawaii's involvement from the facility's construction in 1979 to the present operations makes them uniquely qualified to continue managing and operating the facility. The University of Hawaii has developed instrumentation customized to the optical properties and observing conditions of the IRTF to meet NASA's scientific and mission objectives. They have pioneered and maintained flexible scheduling and remote observing capabilities that are specific to the IRTF instrument complement and telescope control system and they are routinely cited for their operating efficiency (e.g., semi-annual IRTF MOWG reports).

All institutions and individuals working at and with facilities on Mauna Kea are required to abide by all laws, rules, and regulations laid down by the State of Hawaii and by the University of Hawaii to preserve and protect the delicate environment of the mountain and the cultural significance of the site to native Hawaiians. The State of Hawaii has set aside much of the summit area as a Science Reserve, leased to the University of Hawaii from which NASA subleases the IRTF site. The University has adopted a Master Plan to guide the use of the Reserve as a scientific complex while protecting it for the future. A new contract with the University of Hawaii will leverage their three decades of experience managing the

IRTF within the Master Plan to ensure that this NASA facility continues to operate in compliance with all environmental and cultural laws, rules, and regulations.

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) 5.2:

This action was synopsised in NAIS and Fed BizOpps on December 5, 2012.

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

The CO will obtain and analyze a detailed cost proposal from the University of Hawaii Institute for Astronomy. The Contracting Officer (CO) will perform cost analysis to include utilizing data from other contracts with similar services, as well as obtaining verification of rates through the Department of Health and Human Services to formulate a negotiation position. The CO will also compare the cost proposal to historical actual costs under the preceding cooperative agreement. The CO will obtain a technical evaluation and use the information above to negotiate and establish a fair and reasonable price.

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

The IRTF is a NASA astronomical facility situated at a remote, high altitude location with unique management and operating requirements. Due to the lease agreement between NASA and the University of Hawaii, no formal market research was performed.

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

The University of Hawaii Institute for Astronomy brings three decades of experience managing and operating the very uniquely equipped and situated IRTF in an efficient manner advantageous to NASA and in a culturally sensitive manner important for NASA's relationship with the native Hawaiian population. No other source possesses the combined capability and institutional knowledge required for seamless, continuous operation of the IRTF in order to support critical SMD mission encounters, respond to target-of-opportunity events (*e.g.*, near-Earth asteroids), and to obtain science for mission development.

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

No sources expressed an interest in the acquisition.

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:

The IRTF is a unique NASA facility situated at a remote, high altitude location with management and operating requirements that must take into account both NASA's science and mission needs as well as the conditions and resources on Mauna Kea, including environmental preservation and cultural affairs. Because of the very unique situation, there are no actions that NASA can take to overcome barriers to competition.

Signature Page

TECHNICAL DIRECTORATE:

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

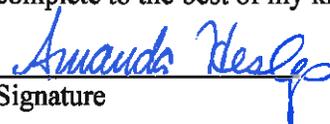


Signature

10/11/12
Date

CONTRACTING OFFICER:

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



Signature

10/11/12
Date

PROCUREMENT OFFICER:
(CONCURRENCE)

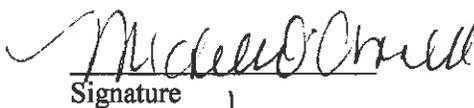
for



Signature

1/28/13
Date

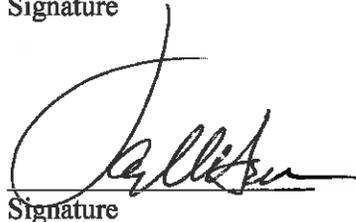
HQ COMPETITION
ADVOCATE:
(CONCURRENCE)



Signature

1/29/13
Date

EXECUTIVE DIRECTOR
FOR HQ OPERATIONS:
(CONCURRENCE)



Signature

1/29/2013
Date