

1. **National Aeronautics and Space Administration**
Dryden Flight Research Center
P. O. Box 273
Edwards, California 93523-0273

2. **Justification for Other than Full and Open Competition**
41 U.S.C. 3304(a)(1) FAR 6.302-1

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

We recommend that the Government acquire the goods and services required by the procurement request noted above via other than full and open competition. This procurement will provide engineering, manufacturing, and other technical services for the NASA Dryden Global Hawk Project.

The contractor shall perform and assist in design analysis, systems engineering, simulation support, software development, hardware development, subsystem testing, engineering support, on-site field services, operations support, logistics support, crew training, and furnish aircraft and ground station communications operational support equipment and spares when not available from Government sources.

The prime place of performance for this requirement will be the L-3 Comm Facilities and the NASA Dryden Flight Research Center; additional Government furnished property may be provided to the Contractor and a list of property, equipment, materials, etc will be incorporated in the contract per NFS clause 1852.245-76.

This requirement is for a five (5) year period of performance with an estimated value of \$15,000,000.00.

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

This requirement will be procured under statutory authority 41 U.S.C. 3304(a)(1) per 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:**

The previous contract NND08GH50B was awarded sole source to L-3 Comm which maintains the proprietary data rights to the original design and modification drawings of the Global Hawk communication system. L-3 Comm is the only responsible source which is capable of satisfying the agency's unique requirements for the following reasons:

- L-3 Comm designed, built, and extensively tested the communications systems for the Global Hawk family of aircraft and associated ground and aircraft systems.

- L-3 Comm develops and tests all Global Hawk communication systems software, which is critical in the integration of new autonomy technologies. Proper integration and testing of these technologies is required to assure public safety during science mission demonstrations within the National Airspace using the Global Hawk family of aircraft.
- L-3 Comm owns the unique modification drawings and has personnel with the knowledge and history to accurately characterize the communications systems. The specialized experience of L-3 Comm's personnel and L-3 Comm's proprietary drawings are critical in trouble shooting problems and proposing solutions to problems as they arise. The original design and modification drawings are proprietary to L-3 Comm.

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:

A notice of contract action was posted to the Federal Business Opportunity (FBO) website 28 May 2013 to allow interested vendors to submit a response.

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

The Government expects to obtain fair and reasonable pricing as each task order will be negotiated with L-3 Comm, which has an accounting system with oversight from the Defense Contract Management Command (DCMC), and forward pricing rates, which limit the Government's economic risk. The Government will evaluate each proposal for compliance with the terms and conditions of the contract. A technical analysis will be performed for each task order to ensure proposal meets the requirements of the required task. The contractor will be required to submit certified cost and pricing data when the threshold for obtaining certified cost or pricing data of FAR 15.403-4 is met. All task orders will be negotiated and awarded based on a fair and reasonable price to the Government.

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

The Interagency Contract Directory (ICD) database was reviewed and there were no contracts listed in the ICD database capable of supporting this requirement. A notice of contract action "NND13GHCOMMUNICATION" was posted to FBO 28 May 2013 with a closing date of 12 Jun 2013. No responses were received.

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

L-3 Comm possesses the detailed knowledge for all aspects of the vehicle and ground station communications systems which is requisite to performing this work and unavailable to another firm.

L-3 Comm, as the sole developer and manufacture of the Global Hawk communications systems has the unique tooling, facilities, data and engineering support organization required to accomplish the agency's requirements. Due to the proprietary nature of the intellectual property, L-3 Comm is the only firm that can provide these required services and materials.

Only L-3 Comm, the manufacturer of Global Hawk communications systems, has the unpublished design, test, and model data as well as operating experience required to modify the aircraft, develop and flight demonstrate new NASA technology.

Schedule risk will be significantly reduced due to L-3 Comm's engineering and manufacturing expertise and capabilities with the Global Hawk family of unpiloted aircraft. This expertise is critical to ensure the experiments supported by the Global Hawk aircraft are successful. For example, only L-3 Comm can provide instant response to resolve problems and assistance with the communications systems that support the missions required for these experiments. Thus, programmatic and schedule risk are significantly reduced.

L-3 Comm has gained experience in the modification and operation of the Global Hawk communications systems through over 90,000 flight hours. This makes them uniquely experienced to support NASA research modifications and flight operations, and provide training support. Any other company would have to invest hundreds of thousands of hours to develop a similar experience level.

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

There were no other sources that expressed an interest in this requirement.

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:

To remove potential barriers in competition this procurement will be synopsisized in the FBO website in accordance with FAR Subpart 5.2, however due to L-3 Comm's unique capabilities; NASA-DFRC anticipates no responses as a result of this synopsis.

This contract will also develop and mature the technology for High Altitude, Long Endurance (HALE) autonomously operated aircraft, which in the long run will increase the reliability and utility of this vehicle type and remove barriers inhibiting commercial and civil usage. Currently L-3 Communication is the only source available who has the system engineering, technical expertise and knowledge in testing, supporting, and operating the ground station communication systems, therefore removing potential barriers in competition while meeting the Agency's mission cannot be accomplished at this time.

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

PR Initiator: I certify that the facts presented in this Justification are accurate and complete.

[Redacted Signature]

Signature

7/16/13

Date

**Directorate Chief:
(Concurrence)**

[Redacted Signature]

Signature

7/18/13

Date

**Contracting Officer:
(Concurrence)**

[Redacted Signature]

Signature

7/25/13

Date

**Procurement Officer:
(Concurrence)**

[Redacted Signature]

Signature

8/12/13

Date

**DFRC Competition
Advocate:
(Concurrence)**

[Redacted Signature]

Signature

8/11/13

Date

**DFRC Director:
(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.

[Redacted Signature]

Signature

8/12/2013

Date