

**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 award a 6-month, cost reimbursement extension to the Raytheon Company for the continuation of services currently provided under the Earth Observing Systems Data and Information System (EOSDIS) Evolution and Development (EED) contract, NNG10HP02C. This document justifies the determination for using other than full and open competition.

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

NASA's GSFC proposes to award an extension to the existing cost plus award fee, indefinite delivery/indefinite quantity EED contract to Raytheon, for continuity of services, while a competitive acquisition is being processed. This extension to the ordering period will be for 6 months. Contract number NNG10HP02C was awarded competitively to Raytheon on April 1, 2010, to provide services for the EOSDIS Evolution and Development (EED) project. The current ordering period and all existing task orders under this contract expire on March 31, 2015.

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

This extension provides for maintenance and development of software and hardware systems that provide science data management for NASA's Earth Science Data and Information Systems Project (ESDIS). We propose to continue all current task orders during this extension.

In the performance of the task orders during the extension, the EED contractor will be required to coordinate and integrate task related activities with the EOSDIS project, the Distributed Active Archive Centers (DAACs), the science investigator teams, the user community, as well as other Earth Observing System Data and Information Systems (EOSDIS) contractors. The contractor shall improve the reliability, availability, functionality, operability, and performance of the systems within the EOSDIS while reducing operational and maintenance costs. The contractor may be tasked to:

- Provide corrective maintenance of the EOSDIS custom and Commercial Off The Shelf (COTS) software in a timely manner;
- Provide preventive and corrective maintenance of EOSDIS hardware components consistent with the operational availability needs of DAACs and science users;
- Provide hardware and software adaptive maintenance to sustain EOSDIS systems;

- Provide hardware and software perfective enhancements to implement new requirements;
- Provide corrective, adaptive, and perfective maintenance to lower the overall cost of maintenance and operations of EOSDIS; and
- Conduct engineering studies and prototypes as required within the constraints of the extension.

The services Raytheon will provide under the extension are a continuation of the services under the existing contract. This six-month extension is required in order to allow sufficient time to process a new contract for the EOSDIS Evolution and Development-2. The current contract expires on March 31, 2015. Although the process has begun for awarding a new contract, it will not be completed before the performance end date of the current contract. The work is critical to continued operation of the EOSDIS

Extending the period of performance by six months will allow for critical milestones to be completed, and for continued operation of critical systems through September 30, 2015, by which time the follow-on contract is expected to be awarded. Procurement planning for the follow-on contract has begun and key milestone dates were as follows:

- PSM – November 13, 2013
- Draft RFP Release – June 13, 2014
- RFP Release – October 31, 2014
- Due date for Proposal Receipt – December 15, 2014

The current cumulative value of the task orders under this contract is \$139,659,260. The estimated cost of this contract extension for six months of additional support is \$15,212,945. The maximum ordering value of the EED contract is \$250M. The value of the proposed increase to the maximum ordering value for the extension is \$0.

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

The statutory authority for this JOFOC is 10 U.S.C. 2304 (c) (1), only one responsible source. FAR 6.302-1(a)(2)(iii) provides that full and open competition need not be provided for when, in the case of follow-on contracts and extensions to existing contracts for the continued provision of services, award to any other source would result in substantial duplication of cost and unacceptable delays in fulfilling the Agency's requirements.

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

The government is conducting a full and open, competitive follow-on procurement for the purpose of providing continuing maintenance and development services for the EOSDIS. This new contract is referred to as the EOSDIS Evolution and Development-2 (EED-2) contract. It is necessary to ensure uninterrupted maintenance services between the end of the EED contract and the start of the EED-2 contract, and to provide the necessary

contract overlap to successfully accomplish necessary transition activities. Due to the uncertainty of the EED-2 award date, it is necessary to extend the EED period of performance by 6 months.

The transition from the current contract to the planned renewal follow-on EED-2 contract is a significant activity. Transition activities include the transfer of Government property consisting of more than 4,500 items with an estimated value of greater than \$44M. A subset of the equipment constitutes the engineering development facility used by the contractor to develop and test EOSDIS software. The engineering development equipment must be housed in a climate controlled computer facility provided by the performing contractor and located at the contractor's facility. The transition activity to any new contract also includes the outfitting of this computer facility.

The core systems are large, complex systems of highly integrated hardware and software components, which work in unison to achieve not only the high throughput rates required to perform data ingest, processing, archive, and distribution of the data from NASA's flagship earth science satellites, but also manage critical metadata and user registration systems. The projected task orders are so integrally related that only a single contractor can reasonably perform the work in the short timespan between the end of the existing contract and the start of the new contract. Further, there is a single source code baseline that must be configuration controlled by a single entity. Allowing multiple contractors to introduce changes to the baseline would create an untenable management burden on the government and pose serious risks to the integrity of the baseline and services to the community. In addition, the custom code and hardware components are tightly integrated with several powerful Commercial Off-the-Shelf (COTS) products. The COTS and custom components cannot be independently selected, designed, or modified without the engineering consideration of the impact to the entire system. The risk of significant system breakage would be extremely high and unacceptable to the government during the interim period.

In summary, the EOSDIS is one of the world's largest archives of Earth science data. The components of the system must be available 24 hours a day, 7 days a week. The sustaining engineering contractor is required to have the capability to sustain a large, complex custom software system, integrate and test software modifications without impact to ongoing operations, maintain a large suite of multi-vendor hardware products within specified maximum downtime, and analyze and implement complex technology refresh programs without impact to ongoing operations and ensure the security of both hardware and software systems. Raytheon Company is the incumbent EED contractor. As the incumbent contractor, Raytheon is the only contractor, which possesses the significant and immediate skills necessary to perform under this contract without any interruption or degradation of services. Raytheon is the only company during the extension with the capability of providing the technical support without a reduction in services. The transition time for any new interim contractor to become minimally experienced, functional, and able to meet the Government requirements will result in unacceptable delays and costs.

**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 FAR 5.202:**

Based on the required expertise and program constraints described above, efforts to solicit more than one source for this procurement were not considered as a viable alternative. The procurement was synopsisized on the NASA Acquisition Internet Service (NAIS) to ensure that any other potential contractors had the opportunity to express their interest in proposing to meet the requirements. See item 10 for results.

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

The proposed costs will be evaluated by the Contracting Officer's Representative and the CO to determine that the labor rates, hours, skill mix, other direct costs, indirect costs and fees are fair and reasonable. The contractor will submit a proposal that will contain sufficient information to determine cost reasonableness. The determination may also include support from external organizations such as the Defense Contract Audit Agency, as needed. Since this is an extension to the existing contract, the proposed costs will be compared against historical data from the current contract.

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

A synopsis was published on December 22, 2014, on NAIS and Federal Business Opportunities in order to inform potential sources of NASA's intent to award this extension contract to Raytheon and provide them with the opportunity to be considered based on their qualifications and capabilities. During the prescribed 30-day waiting period, no responses were received.

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

A six-month extension to the ordering period is imperative to allow time for a full acquisition cycle for a follow-on contract. If the government were to stop work at the end of the period of performance of the basic contract, GSFC would not be able to meet the data requirements of the science community or the NASA requirements for data availability. Data requirements affected by not awarding this extension are as follows:

- Ability of NASA to provide timely and accurate access to NASA data;
- Ability of NASA to provide open data access as stated in the NASA data policy;
- Requirement to meet the Circular A-130 requirements: "Management of Federal Information Resources"; and
- Ability of the EOSDIS system to meet the time constraints for the broad NASA Earth Science research program.

Additionally, the Government would suffer loss of capabilities, inability to meet requirements of the Earth science user community for an indeterminate period of time, incur programmatic risks associated with trying to identify an alternate contractor, incur duplication of costs and compromise a broad variety of critical scientific research initiatives (e.g. in arctic climatology, glaciology, hydrology, geology and geo-hazards) if this extension is not awarded to Raytheon.

The startup costs associated with the transition, staffing, and training for a large and complex hardware and software system, and outfitting a facility to house the system for a 6-month effort is not economically efficient for any other contractor. It is unlikely that these costs would be recovered in a competition. Furthermore, an award to any other source for this extension contract would result in unacceptable delays in fulfilling NASA GSFC's requirements.

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

In accordance with the requirements of FAR 5.203(a), a notice of NASA's intent to extend the EED contract was published on December 22, 2014, through NAIS to the Electronic Posting System and to the Federal Business Opportunities worldwide web site. During the prescribed 30-day waiting period, no responses were received.

**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 follow-on EED contract will be a full and open competition with a 5 year period of performance. This extension contract is only for the period of time between the end of the EED contract and the award and transition to the new EED contractor. There are no barriers to competition for these services at the end of this extension contract. The follow-on competition is currently being finalized and will be the successor to this extension period. 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 (Extension Contract to Raytheon for continuation of services under NNG10HP02C, EOSDIS Project**

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

Signature

1/22/15  
Date

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

Signature

1/22/15  
Date

ASSOCIATE CHIEF:  
(CONCURRENCE)

Signature

1/30/15  
Date