

Justification and Approval for Other Than Full and Open Competition

Program: Scientific Services Program

Authority: 10 USC 2304(c)(3)

Amount: \$11,500,000.00

Prepared By Contracting Officer:

Typed Name: Ms. Vonetta Y. Goodson

DSN: ()

Title: Contracting Officer, U.S. Army RDECOM-RTP Date:

Technical Representative:

Typed Name: Dr. Brian Ashford

DSN: ()

Title: Contracting Officers Representative
(COR), U.S. Army Research Office

Reviews: I have reviewed this justification and find it adequate to support other than full and open competition.

Program Manager:

Typed Name: Dr. Brian Ashford

DSN: ()

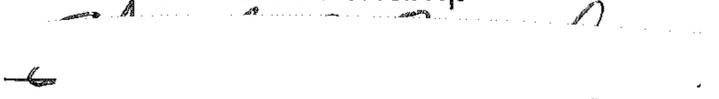
U.S. Army Research Office

Signature: 

Date: ()

Legal Advisor:

Typed Name: Edward Beauchamp

Signature: 

DSN:

Date:

JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Agency:

U. S. Army RDECOM Contracting Center
Research Triangle Park Contracting Division (CCRD-RT)
P.O. Box 12211
Research Triangle Park, NC 27709-2211.

2. Description of Action:

This Justification and Approval (J&A) will increase the ceiling of the current contract for the Scientific Services Program (SSP), W911NF-07-D-0001, by \$11.5M in order to continue to support the critical needs of this program until such time as a new contract can be awarded. The current contract is a five year Indefinite Delivery/Indefinite Quantity (ID/IQ) type contract valued at \$256M. Research and Development (R&D) funds will be used for this effort.

A new competitive contract is being solicited that was expected to be awarded by the end of FY2010. However, a new process for peer review was recently implemented that now requires all procurements valued at \$50M and over to be reviewed by the Principle Assistant Responsible for Contracting (PARC). This policy was implemented by the Research Development and Engineering Command (RDECOM) Contracting Center in response to previous DoD policy guidance regarding the statutory requirement (FY08 NDAA, Public Law 110-181) for independent management review of contracts for services. The peer review for the new SSP solicitation has currently been in progress for about 2 months and has yet to be completed. When preparing the acquisition strategy for the award of the new competitive contract, the peer review was not a requirement and thus the time associated with the peer review process was not accounted for in the award schedule. Thus, this J&A is for an increase under the current contract so that the critical research under the SSP can continue until such time as the new contract can be awarded. To date, there is a balance of \$ _____ left on the contract. Based on historical data, the \$ _____ left will not be sufficient to award the anticipated actions up to the date that award is now expected. By increasing the ceiling and closely monitoring the tasks accepted there is not expected to be an interruption in service.

With the war in Iraq there has been a continuing demand to fund research that could transition to advanced technologies to assist combatant commanders and war fighters. The SSP contract maintains an essential capability for theoretical analyses, exploratory studies and experiments in science and technology. Government

FOR OFFICIAL USE ONLY

agencies are depending on these essential capabilities being provided through the SSP contract to meet the needs of commanders and war fighters. As a result, an increase in the contract ceiling is required to ensure that these critical capabilities are provided without interruption.

3. Description of Supplies/Services:

The SSP contract was awarded to acquire short-term scientific and technical services for Federal government agencies. These scientific and technical services consist of theoretical analyses, exploratory studies and experiments to provide solutions to technical problems facing combatant commanders and war fighters. Since the initial contract award to Battelle in 1972, Battelle has continued to maintain an essential capability for theoretical analyses, exploratory studies and experiments in the areas of Chemical Sciences, Life Sciences, Material Sciences, Physics & Electronics, Medical & Health Research, Computer Sciences & Mathematics, Environmental Sciences, Mechanical Engineering, and Modeling & Simulation. The SSP contract is designed for the resolution of problems within the areas mentioned above for the sponsoring agency or command if the objectives are achievable in a short period of time (usually within a two-year period) through the efforts of the selected scientist(s) or engineer(s). The work may be accomplished at the sponsoring activities, at the contractor's business locations or at a combination of locations. Engineers, analysts, consultants, and subject matter experts needed to perform work through the SSP contract can be from academia, industry, or individuals not affiliated with a university or business. Battelle has the knowledge and expertise to perform on many of the requirements requested by the government agencies. In situations where additional engineers, analysts, consultants, and subject matter experts are needed, they can be quickly accessed to perform short-term, well-defined essential capabilities through the SSP database.

4. Authority Cited:

The statutory authority cited permitting Other than Full and Open Competition is 10 U.S.C. 2304 (c)(3)(B) as implemented by FAR 6.302-3(a)(2)(ii): "To establish or maintain an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a federally funded research and development center."

5. Reasons for Authority Cited:

The Federal Acquisition Regulation indicates the reason cited above may be appropriate when it is necessary to establish or maintain an essential capability for theoretical analyses, exploratory studies, or experiments in any field of science or technology, or for engineering or developmental work calling for the practical application of investigative findings of a scientific or technical nature. If the ceiling of

the SSP contract is not increased this will result in unacceptable delays in fulfilling agency requirements.

6. Efforts to Obtain Competition:

The first contract was awarded to Duke University, Durham, NC in 1952 under full and open competition. The program remained there until 1972 when Battelle Memorial Institute, Columbus, Ohio was the successful offeror on a full and open competitive solicitation. Since the time Battelle was the successful offeror in 1972, the Army Research Office competed the SSP requirement seven (7) times for 5-year contracts each and Battelle has won every award. Each of those times the contract was awarded pursuant to the Federal Acquisition Regulation (FAR) Subpart 6.1, providing full and open competition. Competition was sought through the publication of a synopsis via the Federal Business Opportunities site.

7. Actions to Increase Competition:

Actions will continue to be undertaken in an effort to maximize competition. The Contracting Center is currently working on a solicitation for the continuation of the SSP, which will be procured through full and open competition. The effort to be obtained through approval of this J&A is a "bridge" effort to maintain this essential capability and continue timely performance of critical and essential efforts under the SSP until such time as the new contract can be awarded.

8. Market Research:

In the procurement action leading to the award of the 2006 contract, market research was conducted by contacting knowledgeable individuals in government regarding market capabilities to meet requirements. The Small Business Administration was also contacted to discuss market capabilities in regards to small businesses. The Contracting Officer also synopsisized the requirement on the Federal Business Opportunities website. In addition, the Contracting Officer performed market research by checking the Central Contractor Registration under the NAICS code assigned to the Scientific Services Program to see the list of contractors that could possibly perform the requirement. The Contracting Officer is anticipating having an industry day in July 2010 to invite all interested parties to compete the new award.

9. Interested Sources:

This modification will be synopsisized in accordance with FAR 5.2.

10. Other Facts:

Procurement history

(1) DAAD19-02-D-0001 awarded on 01 November 2001, W911NF-07-D-0001 awarded 30 November 2006.

(2) Both awards mentioned above were procured through Full and Open Competition.

(3) Actions will continue to be undertaken in an effort to maximize competition. The Contracting Center is currently working on the solicitation for the continuation of the SSP, which will be procured through full and open competition to multiple sources.

(6) There have not been any unusual patterns such as several consecutive urgent buys for this effort.

(7) The ceiling amount for the W911NF-07-D-0001 SSP contract has been increased two times previously due to an increase of workload and regulatory changes. These increases have been accomplished under the authority of U.S.C. 2304 (c)(3)(B).

11. Technical and Requirements Certifications:

I certify that the supporting data under my cognizance which are included in the J&A are accurate and complete to the best of my knowledge and belief. The proposed effort has been reviewed to ensure that it falls within the special capabilities of a non-profit institution furnishing an essential engineering, research and development capability.

Name: Dr. Brian Ashford
Title: COR, U.S. Army Research Office

Signature: _____ Date: _____

12. Fair and Reasonable Price Determination:

I hereby determine that the anticipated cost for this contact action will be fair and reasonable based on historical data.

Name: Ms. Vonetta Goodson
Title: Contracting Officer

Signature: _____

Procuring Contracting Officer Certification:

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

Name: Ms. Kathryn Terry
Title: Procuring Contracting Officer

Signature: _____ Date: _____

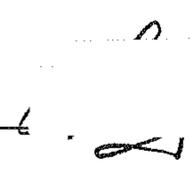
APPROVAL:

Based on the foregoing justification, I hereby approve the increase in contract ceiling for the Scientific Services Program on an other than full and open competition basis pursuant to the authority of U.S.C. 2304 (c) (3), subject to availability of funds, and provided that the services and property herein described have otherwise been authorized for acquisition.

Name: Mr. Larry E. Travis

Title: Division Chief, RDECOM Contracting Center-RTP Division

Signature: _____

 _____