

JUSTIFICATION AND APPROVAL

Justification for Other Than Full and Open Competition (FAR 6.3)

Requisition No.: 10-3220-0064

1. Contracting Agency and Activity

The Department of the Interior, United States Geological Survey, Office of Acquisitions and Grants, plans to contract by means other than full and open competition. This document sets forth the justification and approval for use of one of the exceptions to full and open competition allowed under the Competition in Contracting Act (CICA) of 1984.

2. Nature of Action Being Approved

The action being approved is for a new contract. The period of performance is 12 months from date of contract award. The proposed awardee is NatureServe.

3. Description of Supplies or Services

The USGS National Biological Information Infrastructure (NBII) requires certain services from NatureServe. NatureServe owns a unique set of species and ecosystems data sets that contain cumulative data dating back decades, collected from numerous sources. The data sets contain extensive range maps and species profiles. NatureServe has established agreements with State agencies to collect data on species of concern. The NatureServe data cannot be duplicated and are not open to the public or to vendors due to the sensitive nature of the information. The services listed below are needed to support NBII's biological informatics and monitoring efforts. The services required from NatureServe include:

- Compilation and analysis of data from State Natural Heritage Program Network resources and other sources when relevant, and to determine gaps in States' application of 'species of greatest conservation need' (SGCN);
- Analysis of input by the members of the Natural Heritage Program Network on the best design and delivery of species information via species profiles; and
- Compilation and delivery of species profile information to be served on the Web by the NBII, including the development of species profiles for species for which information is deemed critical.

4. Estimated Dollar Value

The period of performance for this contract will be date of contract award through 12 months thereafter. The funding estimate for this contract is

5. Statutory Authority

NatureServe's member organizations, known as natural heritage programs or conservation data centers (CDCs), operate throughout the United States. The U.S. House of Representatives provided explicit language to the U.S. Geological Survey that specific FY10 appropriations "within biological information management and delivery [should be allocated] to support the coordinators of the national network of

State conservation data agencies (H.R. Rep. 111-316, 11th Cong., 1st Session (2009))." This stipulation is repeated verbatim in FY10 U.S. Geological Survey allocation tables for the Biological Information Management and Delivery budget sub-activity.

As owners of unique sets of species and ecosystems information that contain cumulative data dating back decades, NatureServe holds information vital to the work described in this contract. Therefore, this Justification for Other than Full and Open Competition is authorized under 41 U.S.C. 253 (c) (1) as implemented by FAR 6.302-1 (a) (2) since there is only one responsible source of the required support service.

6. Rationale Supporting Use of Citation in No. 5

The following information is provided to demonstrate the proposed contractor's unique qualifications:

- The proposed contractor (NatureServe) is a non-profit conservation organization that serves as a leading source of information about rare and endangered species and ecosystems. NatureServe owns a set of unique data that cannot be duplicated and access to the national dataset is only available through NatureServe. NatureServe also has established agreements with States to collect this data through the State Natural Heritage Program network.
- The information in NatureServe's databases is essential to USGS research capabilities and to DOI's ability to make natural resource decisions.
- All other vendors would be required to enter into a Data License agreement with NatureServe in order to access this data. No other vendors have: 1) previously made investments in a data of this nature, 2) are recognized as experts in the management of information on threatened and endangered species, and 3) can facilitate access to the best available comprehensive data set. These data sets have been acquired over decades and cannot be duplicated.
- DOI needs access to these data sets to support research and resource management decisions.

The recommendation of the NBII in support of this sole source justification is made in recognition of the fact that competition must be obtained to the maximum extent practicable.

7. Other Information.

A Statement of Work for full and open competition for these services was not developed because the work requested requires access to NatureServe's data. Since NatureServe controls access to their data, a full and open competition is not feasible.

8. The Efforts to Identify Additional Sources Including the Market Research Conducted.

NatureServe will not provide access to their data to a third party vendor. It is essential that the work be done to interface USGS and its partners with the NatureServe databases. The acquisition will be synopsised in *FedBizOpps* as required in FAR 5.201.

9. Future Plans to Permit Competition.

Competition will be obtained in the future to the maximum extent practical.

10. Recommendation and Certification from Program Office

Based on the above, I recommend this acquisition be conducted on the basis of other than full and open competition. I certify that technical data which form a basis for this justification that are the responsibility of technical or requirements personnel are complete and accurate.

17 June 2010

Technical Representative

Date

11. Certifications from the Contracting Officer:

The Contracting Officer determines that the anticipated cost to the Government will be fair and reasonable. The Contracting Officer reviewed a recent contract award to NatureServe and found labor hours rates, other direct costs, and indirect cost rates to be fair and reasonable at the time of award. The Contracting Officer will again review and negotiate all costs to ensure they are fair and reasonable.

All of the requirements of the Competition in Contracting Act, (41 U.S.C. 253), as implemented in the Federal and Interior Acquisition Regulations, have been considered in preparing this justification. This justification is accurate and complete to the best of my knowledge and belief.

13. Approvals

Contracting Officer

Date

Chief, Acquisition Branch

Date

Bureau Competition Advocate

Date
