

Memorandum for the Record

Subject: Justification for Other Than Full and Open Competition  
(Sole Source Justification Memo: Acquisition less than SAT) \$5,580

Date: July 27, 2009

This memorandum for the record was prepared by Minerals Management Service/ Offshore Energy and Minerals Management (MMS/OEMM) as a Sole Source Justification rather than a Justification for Other Than Full and Open Competition (JOTOC) which is an option for a procurement that is less than the simplified acquisition threshold (SAT). It was prepared in accordance with Federal Acquisition Regulation (FAR) Part 6.302-1 (a), only one responsible source and no other supplies or services will satisfy the agency requirements and when the supplies or services required by the agency are available from only one responsible source. This justification is being accomplished in accordance with FAR 6.303-1 (a) (2) and FAR 6.305 (a).

The Resource Evaluation Division of the MMS has a requirement to renew a software license agreement for Fugro-LCT software modules for the period of January 9, 2009, through January 8, 2010. The modules consist of EMOD, MAK3MOD, and GREFT and are available only from the developer, Fugro Gravity & Magnetic Services, Inc., Houston, Texas.

The contractor Fugro Gravity & Magnetic Services Inc. is recognized as an expert in the field for providing solutions for applications in potential geophysics fields. They are considered pioneers in gravity and magnetic software development and provide a comprehensive set of gravity and magnetic interpretation, modeling, and data processing software tools commercially available in the oil and gas industry.

The MMS uses the license for managing offshore oil and gas resources and currently, MMS is satisfied with the supplies and services rendered by Fugro Gravity & Magnetic Services, Inc.

For future acquisition of the same items, market research will be conducted to explore alternatives should the requirement still exist to determine the feasibility of continuing with this license or exploring other alternatives; cost and other factors considered.

It has been determined to be in the best interest of the Government to issue a purchase order to satisfy this requirement. Competition can not be obtained because the license is proprietary to the contractor and can only be obtained from them.

The price we are being charged is reasonable based on the supporting documentation contained in the file.

Both the program and the contracting offices certify that this recommendation to go sole source with Fugro Gravity & Magnetic Services, Inc. contains the information required.

