



U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436
United States
202-205-3098
www.usitc.gov

Print Form

**Justification & Approval
For Other Than Full & Open
Competition/Brand Name**

USITC - 052 (Rev. 6/2016)

REQUISITION NUMBER: 6100-OOEC-18-0003

1. CONTRACTING OFFICE

U.S. International Trade Commission
Office of Procurement
500 E Street, SW
Washington, DC 20436

REQUIRING OFFICE

U.S. International Trade Commission
Office of Economics
500 E Street, SW
Washington, DC 20436

2. NATURE/DESCRIPTION OF ACTION(S)

Brand Name

In accordance with FAR Subpart 6.303-2, this justification for other than full and open competition will result in award of a contract for the brand name Mathematica (developed by Wolfram Research, Inc.)

3. DESCRIPTION OF SUPPLIES/SERVICES (Check box below:)

This requirement is to purchase:

License and maintenance extensions for the Mathematica software.

- ☐ Support services (non-R&D)
☐ Supplies/equipment
☒ Information technology (IT)
☐ Other (specify):

FOIA Exemption (b)(6)

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5. ANTICIPATED PERIOD OF PERFORMANCE/ DELIVERY DATE

Period of Performance

April 19, 2018

to

April 18, 2019

Options Through: April 18, 2021



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6. STATUTORY AUTHORITY

Sole Source

FAR Subpart 6.302-1 and 41 U.S.C. 253(c)(1): When the supplies or services required by the agency are available from the only one responsible source, and no other type of supplies or services will satisfy agency requirements, full and open competition need not be provided for.

7. DEMONSTRATION OF CONTRACTOR OR BRAND UNIQUE QUALIFICATIONS

Mathematica is currently being used by the commission to support its economic modeling projects. Specifically it is being used to implement Partial Equilibrium models that economic counsel develops to address statutory needs. Wolfram Research is the owner and sole proprietor of Mathematica software subscription license. Changing to a different software would require re-development of the code and the results would have to be thoroughly tested to ensure that output was comparable, and would increase the possibility of introducing errors in the work. The staff would also have to be re-trained once a new code is developed and would be cost prohibitive.

8. DESCRIPTION OF EFFORTS MADE TO ENSURE OFFERS WERE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICABLE

Wolfram Research is the only authorized seller of Mathematica in the United States.



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9. DESCRIPTION OF FAIR AND REASONABLE COST

In accordance with FAR Subparts 12.209, 13.106-3, 15.4, it is hereby determined that the anticipated cost or price to the Government for this contract action will be fair and reasonable. The Price Reasonableness Memorandum detailing the Fair and Reasonable Price Determination will be included in the contract file documentation.

10. MARKET RESEARCH

Market Research was conducted in accordance with FAR Part 10, and it was determined that the above stated requirement is not commercially available in the commercial market place from various resellers.



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11. ANY OTHER FACTS SUPPORTING THE JUSTIFICATION

Mathematica is being actively used by Commission staff to research modeling techniques and methods that may be applicable to future statutory investigations. The software is proprietary and replacement would require resources well exceeding the cost of renewal.

12. LISTING OF SOURCES

Wolfram Research, Inc.

13. FUTURE PLANS TO PROMOTE COMPETITION

There are currently no plans to compete for this brand name software.



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14. TECHNICAL PERSONNEL/REQUIRING OFFICE CERTIFICATION

I certify that the facts and representations in this justification, included herein, meet the Government's need and that the supporting data which forms the basis for this justification is complete and accurate

Prepared By: **Print Name:** Ravinder Ubee

Requestor/COR

Signature:

Date: 2/8/18

Approved By: **Print Name:** William Powers

Office Director/Cost Center Manager

Signature:

Date: 2/8/18

15. CONTRACTING OFFICER CERTIFICATION

I have received this justification and find it to be

wledge and belief.

Approved By: **Print Name:**

FOIA Exemption (b)(6)

Contracting Officer

Signature:

FOIA Exemption (b)(6)

Date: 4/18/18