National Aeronautics and Space Administration
Ames Research Center
Moffett Field, California 94035-1000

Justification for Other than Full and Open Competition
10 U.S.C. 2304(c)(1)

Initiating Office:	NASA Ames Research Center, Environmental Management Division
P.R. Number:	4200310474
Requirement Title:	Environmental Services
Total Estimated Value:	FOIA Exemption 5
Period of Performance:	September 4, 2009, through March 3, 2010 (6 months)
Statutory Authority:	10 U.S.C. 2304(c) (1), *Only One Responsible Source*

This Justification for other than full and open competition has been prepared in accordance with the requirements of Federal Acquisition Regulation (FAR) 6.303 and NASA FAR Supplement (NFS) 1806.303.

Detailed information:

A. The nature and/or description of the action being approved. [FAR 6.303-2(a)]

NASA Ames Research Center (ARC) proposes to negotiate a sole source modification to Contract No. NNA05AC42C with Integrated Science Solutions, Inc. (ISSi) to extend the period of performance by six months. The contract was awarded on February 4, 2005 and expires on September 3, 2009. This Justification seeks authority to modify the contract to extend it for six months (September 4, 2009, through March 3, 2010) to provide continuity of services during the recompetition of the follow on efforts.

The requested extension is to provide ongoing support for mission critical work at ARC pending placement of a follow-on contract for the required support. Through a full and open competitive procurement, a four-year contract (NNA05AC42C), plus a 30-day phase-in period, was awarded to ISSi to provide environmental support to the Environmental Management Division (then Code QE). The existing contract with ISSi will end September 3, 2009, following exercise of a six month extension under the authority of FAR clause 52.217-8, *Option to Extend Services*. The total performance period will add six months to that performance period. The total performance period will now exceed the five-year limit [as provided by FAR 17.204(e) and NFS 1817.204(e)(iii)] on the term of service contracts by one month. The additional month is permissible pursuant to Procurement Information Circular (PIC) 00-22, *Class Deviation—Five Year Term of Contract.*

The requested extension is due to delays associated with the reprocurement of these services. Center reorganizations and competing business strategies have adversely impacted the recompetition schedule.

B. A description of the supplies or services required to meet the agency's needs (including the estimated value). [FAR 6.303-2(a) (3)]

It is recommended that a six month extension be awarded to ISSi to continue providing the environmental support from September 4, 2009, through March 3, 2010. The total estimated value for this six month extension is FOIA Exemption 5

The Environmental Management Division (now Code JQ) provides environmental compliance and hazardous waste management; pollution prevention and sustainability; wildlife and habitat conservation and NEPA compliance; site investigation and restoration; and environmental management system services for the Center. The current contract provides the necessary management and technical expertise required to support ARC's requirements. The contract was awarded February 4, 2005, with a 30-day phase-in, two-year base period, and two 1-year options. A six-month extension, issued under the authority of FAR 52.217-8, was executed in February 2009, extending the contract through September 3, 2009.

Competition activity was initiated for a follow on contract in February 2008. A Source Evaluation Board (SEB) was established and actions were completed through initial development of the Statement of Requirements. Prior to development of the Draft Request for Proposal (DRFP), Center Management determined the follow-on requirement would be cancelled and the requirements consolidated with the Facilities Maintenance requirement. This decision was based on a pending reorganization at Ames Research Center. In light of this Center management decision, and the pending reorganization, the requirements for the proposed follow-on environmental services were put on hold. In late November 2008, the reorganization was put on hold and a management decision was made to proceed with the Safety, Environmental, and Mission Assurance Services (SEMAS) recompetition. The decision was based on the continued need to enable critical communication and coordination at the contract level to complement communication and collaboration between the Occupational Safety, Health and Medical Services Division and the Environmental Management Division. However, at that juncture, two actions impacted proceeding with this acquisition.

First, following the Procurement Strategy Meeting conducted in February 2009, ARC began researching the feasibility of a Multiple Award Contract (MAC) for the SEMAS requirements. On March 24, 2009, ARC released a Request for Information (RFI), requesting input from industry regarding the multiple award strategy. After carefully considering industry feedback and the Government's assessment thereof, it was concluded that a MAC approach was not in the Government's best interest based on the impact to continuity of services. Second, in February 2009, ARC was tasked by the Agency to lead an effort to explore the feasibility of a Multi-Center contract for SEMAS type requirements. As a result, a RFI was issued to seek industry input on Multi-Center acquisition approach for the SEMAS requirement at the NASA Research Centers. Outcome of the study and industry input resulted in a decision not to proceed with a consolidated Agency approach. These RFI activities resulted in further delays with the ARC SEMAS procurement schedule.

C. An identification of the statutory authority permitting other than full and open competition. [FAR 6.303-2(a)(4)]

10 U.S.C. 2304(c)(1): *Only One Responsible Source.*

D. A demonstration of the proposed contractor's unique qualifications or the nature of the acquisition requires the use of the authority cited. [FAR 6.303-2(a)(5)]

In accordance with FAR 6.302-1(a) (2) (iii), for DoD, NASA, and the Coast Guard, services may be deemed to be available only from the original source in the case of follow-on contracts for the continued provision of highly specialized services when it is likely that award to any other source would result in substantial duplication of cost to the Government that is not expected to be recovered through competition, or unacceptable delays in fulfilling the agency's requirements. Code JQ needs to obtain continued support from the environmental services contract to mitigate risk of failing to adhere to the regulatory Federal, State, and local requirements.

The six month extension to the current contract is necessary to provide coverage of critical—and highly specialized—technical requirements pending completion of the competitive follow-on action. If these highly specialized services were acquired competitively as a separate six month contract, rather than the six month extension sought here, the result would be a substantial duplication of costs to the Government that would not be recovered. This duplication of costs would include not only those costs associated with competing a separate procurement for the extension period, but also the costs associated with phase-in activities for that contract, which would be necessary to ensure that the new, possibly different, contractor has proper knowledge of work requirements necessary to support environmental requirements. Past experience on the previous and current contracts has shown a six- to nine-month impact on implementing procedures and stabilization of work force. Based on historical data, these costs are estimated at approximately FOIA Exemption 5 for this contract. Again, these costs would be duplicative of costs that already need to be incurred as part of the follow-on requirement. Hence a six-month extension, rather than a new procurement for same period, is the only cost-effective and reasonable approach for NASA to take.

Further, the six-month extension to the current contract also is necessary to avoid unacceptable delays to NASA's requirements. If the extension is not approved, program and project milestones and schedules will be impacted. The current contractor is critically involved with the time-critical removal of an old NASA fuel line, on-going operation and management of two treatment systems, and cleanup of PCB-contaminated soils. They currently have the requisite highly-skilled technical staffing, as well as the support staff, for performing the required environmental services into fiscal year 2010. Stability in the workforce, especially with the need for highly proficient technical staff, is critical and will provide the necessary continuity to maintain the continued environmental support. A separate competition and award to, potentially, a different vendor for a six-month period would neither be feasible nor reasonable given the current and on-going follow-on procurement, and the result would necessarily be disruption and unacceptable delays and damage the seamless continuity of services necessary to support this area of the Center's and NASA's mission.

E. Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be published as required by FAR Subpart 5.2 and, if not, which exception under 5.202 applies. [FAR 6.303-2(a) (6)]

On August 12, 2009, a synopsis was posted on the NASA Acquisition Internet Service (NAIS) and the Federal Business Opportunities Portal (FedBizOpps) to inform the public of NASA's intent to extend contract NNA05AC42C with ISSi in order to continue performance. The

synopsis provided instructions for interested organizations to submit capabilities and qualifications to perform the effort to the Contracting Officer. Four capability statements were received but are not considered viable candidates. (See paragraph I below).

F. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable. [FAR 6.303-2(a) (7)]

The contracting officer determines that the anticipated cost to the Government will be fair and reasonable. A proposal analysis will be performed in accordance with FAR 15.404. The proposal analysis will ensure that the final agreed-to price for the contract value increase is fair and reasonable. Analysis will include cost and price evaluation techniques. Pre-negotiation objectives will be prepared prior to the initiation of negotiations and will be approved in accordance with FAR 15.406 prior to the conduct of negotiations.

G. A description of the market research conducted and the results or a statement of the reason market research was not conducted. [FAR 6.303-2(a)(8)]

A synopsis was posted on NAIS and FedBizOpps as stated in paragraph E above. Three capability statements were received but are not considered viable candidates. (See paragraph I below).

H. Any other facts supporting the use of other than full and open competition. [FAR 6.303-2(a)(9)]

The requesting organization has determined that ISSi provides highly specialized services to continue performance of this contract at NASA Ames Research Center through January 3, 2010, pending award of a follow-on contract. Contract performance—in terms of safety, milestones, scheduled metrics, and deliverables—is well organized, prioritized, and safely completed on time and within budget. The contractor has received semi-annual "Excellent" Award Fee ratings since award of the contract. Extension of the contract will minimize risk to mission cost, schedule, and performance from non-compliance (e.g., fines and delays) and facilitate a smooth transition of contractor functions and equipment

I. A listing of the sources, if any, that expressed, in writing, an interest in the acquisition. [FAR 6.303-2(a) (10)]

Four sources expressed interest in providing the services required by this extension. After review of the submissions, the Government has determined these firms do not have the full capabilities needed to cover all of the required functions. All responding sources have been notified of the Government's determination.

Barr & Clarke, Inc. - This firm focuses on property transfers/issues, mainly in site assessments for new property owners (commercial) to determine the extent of their liability from past activities at the site (i.e., illegal waste dumping, mold issues, asbestos and lead issues, etc.). It does not appear to have any experience in managing Air Permits, Hazardous Materials storage, Emergency Response, or Wildlife issues.

E2 Environmental - This company also focuses on site investigation/remediation projects. It has the capability to perform the work required by the Restoration Program as well as NEPA/Wildlife, but does not have the required expertise to perform many other contract

requirements such as Hazardous Materials Management, Storm Water Management, Emergency Response, or Drinking Water.

Phoenix Environmental, Inc. – This firm is capable of performing work in the areas of Emergency Response, Hazardous Waste Disposal, and Site Remediation, but does not appear to have adequate experience in the areas of Industrial/Storm Water Management, NEPA/Wildlife, or Air Compliance.

Smithers Quality Assessments - This company only provides Environmental Management Systems (EMS) certification. It does not have any other expertise required by the contract such as Hazardous Materials Management, Site Remediation, Hazardous Waste disposal, or Industrial Waste Water Management. It is not able to cover all aspects of the contract.

J. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required. [FAR 6.303-2(a) (11)]

This sole source award of a six month extension to the environmental services contract is due to the delay in award of the follow on contract caused by the delay in finalizing the acquisition strategy for the follow-on competition. Since previous competition for the Environmental Services contract has been adequate, there are no actions that the agency needs to remove, or barriers it needs to overcome, relating to competition before any subsequent acquisition for the services required.

For the foregoing reasons and to prevent unacceptable delays and substantial duplication of costs in fulfilling the Agency's requirements, ISSi is the only one responsible source to provide continuity of Center critical support for environmental compliance for the period September 4, 2009, through March 3, 2010.

Given these circumstances, the best alternative for the Environmental Management Division is to award a six-month, sole source extension of the existing contract to Integrated Science Solutions, Inc. (ISSi) (September 4, 2009, to March 3, 2010). The estimated value of the six month extension will be limited to $2.1M. This extension will have the following benefits:

- It will provide for continuous support of ARC's Environmental Management Division, which will ensure that the Center's critical missions are not negatively impacted, without unacceptable delays and substantial duplication of costs.
- The six month contract extension from September 2009 through March 2010 will enable the JQ Division to perform effectively, continue to support the environmental requirements, and to provide for compliance with Federal, State, and local regulatory requirements.

Signature Page:

Requirement Initiator:
Dan Winningham
Contracting Officer's Technical Representative

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

Signature 8/24/09 Date

Contracting Officer:
Lupe M. Velasquez

I hereby determine that the anticipated cost to the Government will be fair and reasonable and certify that this justification is accurate and complete to the best of my knowledge and belief. [FAR 6.303-2(a)(12)]

Signature 8/24/09 Date

CONCURRENCE:

Directorate Manager:
Deborah L. Feng
Director, Center Operations

Signature 8.26.09 Date

Procurement Officer:
Jeffery M. Lupis

Signature 8/28/09 Date

APPROVAL:

Center Competition Advocate:
Lewis S.G. Braxton III
ARC Deputy Director

Signature 9/01/09 Date

cc (after approval)
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