

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

Justification for Other than Full and Open Competition
[FAR 6.303-2(a)(1)]

Summary Information:

Initiating Office: NASA Ames Research Center
Procurement Division (Code JAZ)

Purchase Request No.: 4200315083

Procurement Title: Aviation Safety Reporting System (ASRS) and Related Systems

Total Estimated Value: **FOIA Exemption 5**

Period of Performance: January 3, 2010, through January 2, 2011 (if approved)

Statutory Authority: 10 USC 2304(c)(1), *Only One Responsible Source and No Other
[FAR 6.303-2(a)(4)] Supplies or Services Will Satisfy Agency Requirements*

This Justification for Other than Full and Open Competition (JOFOC) 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. Nature and/or description of the action being approved. [FAR 6.303-2(a)(2)]

NASA Ames Research Center (ARC) proposes to negotiate a sole source contract modification with Booz Allen Hamilton Inc. (BAH) to extend the period of performance of contract NNA05AC33C, Aviation Safety Reporting System (ASRS) and Related Systems, for a period of twelve months. The contractor is responsible for operating and maintaining mission critical aviation and medical safety reporting systems to support agreements that NASA has with other governmental agencies. This contract extension with BAH will allow for the development, deployment and full implementation of newly-identified technological changes to the safety reporting systems before a follow-on contract is awarded to a potentially new contractor. In addition, the extension of the current contract is required in order to complete a competitive procurement for the follow-on contract for this effort. The performance period to be covered by this action will begin January 3, 2010, and end January 2, 2011.

Contract NNA05AC33C was awarded through full and open competition, with receipt and evaluation of five proposals; award to BAH was effective on January 3, 2005. The contract provided for a one-month phase-in period, a 23-month base period, and three 1-year option periods. The contract has an ultimate completion date of January 2, 2010, and all options have been exercised to date. The contract type is Cost-Plus-Award-Fee (CPAF).

This JOFOC documents the basis and authority to enter into an extension period for a maximum of twelve months with the current contractor without conducting a full and open competition. The performance period to be covered by this action will begin January 3, 2010, and end January 2, 2011. This extension means the total contract performance period will exceed five

and one half years (January 3, 2005, through January 2, 2011, for a total of 6 years). Procurement Information Circular (PIC) 00-22, *Class Deviation—Five Year Term of Contract* provides the authority for a total contract term of five and one half years. Thus, in order to extend the contract to a total term of 6 years, ARC submitted a request to the NASA Assistant Administrator for Procurement for approval to deviate from the period of performance limitation outlined in the Federal Acquisition Regulations (FAR) 17.204, and NASA FAR Supplement (NFS) 1817.204(e), beyond the six-month class deviation provided by PIC 00-22. The contract modification will not be issued until that approval is received.

Recompetition planning for the follow-on contract began in spring 2009. Severely limited resources within the Ames Acquisition Division have contributed to the delay in completing the follow-on procurement requirements within the five year current contract period. Additionally, the technical organization for ASRS had difficulty in identifying a Chairperson with the technical knowledge and time availability to serve on the Source Evaluation Committee (SEC). The three months remaining before the end of the current contract on January 2, 2010, are not sufficient to solicit, evaluate, select and phase-in an "interim" contractor who will be ready to perform the required services until the follow-on procurement process is completed. The incumbent contractor is in place with all facilities, equipment, skilled personnel, and resources to continue this mission critical support until the follow-on procurement team completes the selection process.

The SEC Chairperson and members of the SEC have now been appointed. The Statement of Work (SOW) is being finalized by the SEC, and the draft Acquisition Plan is in review. Two Requests for Information (RFIs) have been posted to determine the capabilities of industry. The first RFI was posted in May 2009 on the General Services Administration (GSA) e-Buy web portal to determine capabilities of the GSA Mission Oriented Business Integrated Services (MOBIS) Schedule contractors. After it was determined that a GSA procurement vehicle would not be suitable to satisfy the requirements for ASRS, a second RFI was posted to the NASA Acquisition Internet Service (NAIS) and Federal Business Opportunities (FedBizOpps) web portals. Both RFIs resulted in the submission of 15 capability statements from either large businesses (including the incumbent) or small businesses interested in subcontracting opportunities. The twelve-month extension for the current contract will allow for completion of both a draft and final solicitation, the evaluation of proposals (including time for discussions if in the best interest of the Government), briefing to the Source Selection Authority for selection of award, contract award and phase-in/out (if required).

Procurement delays aside, there is a more critical reason that the current contractor must remain performing on the current contract for a twelve-month extended period of performance. Within the next few months, as a result of pending interagency agreements with the Department of Transportation, Federal Railroad Administration (FRA) and the Veterans Administration (VA), major technological changes are to be implemented into the ASRS system and its related systems. It is imperative that BAH's contract be extended an additional twelve months to mitigate, if not eliminate, the risk of service interruption caused by a change in contractor management or workforce, until the new systems are implemented, deployed, and proved fully operational.

In summary, the purpose of this sole source extension of the contract with BAH is to provide on-going support for highly specialized, mission-critical work at ARC pending award of a follow-on contract for the required support. In order to complete the procurement process and award the follow-on contract, the current contract must be extended for a twelve month period, and the

current contractor is the only practicable source to supply the services required by NASA and its governmental customers.

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

The ASRS contract provides highly specialized support to the Human Systems Integration Division, Code TH, to obtain the services needed to carry out various aviation and related safety programs for ARC and its governmental customers over a five year period of performance, with a contract staff of about 45 to 50, and a total estimated cost of about \$4M per year.

The major objective of ASRS is to acquire information concerning current and potential safety concerns in the operational performance of systems in the United States such as the National Aviation System (NAS) and to assist in the effective use of that information to implement safety improvements in these systems.

ASRS includes the management and operation of a voluntary, confidential incident and safety reporting program. NASA, by agreement with the Department of Transportation, Federal Aviation Administration (FAA), has operated and managed the ASRS program since 1976. The ASRS reporting model has become one of the primary tools recognized Government-wide as a necessary complement to other safety efforts. ASRS is a voluntary process wherein pilots, air traffic controllers, cabin crew, mechanics, and any other individual associated with the operation of the aviation system may report aviation incidents or potential safety hazards, with the guarantee that their identity will never be disclosed. In 2008, a total of 50,405 confidential ASRS reports were received. Over the 34-year life of the program, not a single confidential report has ever been compromised. In 2000, by agreement with the VA, NASA added the operation and management of the Patient Safety Reporting System (PSRS), which models the activities of the ASRS as a confidential reporting system for medical personnel associated with the VA system who need a confidential platform to report safety issues in the VA medical arena.

Under the ASRS contract, the ARC contractor has the following two primary responsibilities:

1) To oversee the maintenance and operation of this voluntary, confidential incident-reporting program; to follow rigorous procedures to ensure the confidentiality of each reporter; and to use this information to identify potentially hazardous situations in the aviation system and the VA medical system.

2) To maintain, operate, and assist in the use of a database containing these incident reports to support research and development aimed at improving the performance and safety of the aviation system and the VA medical system.

Because of the ASRS program, and its nationally and internationally recognized reputation as the proof-of-concept of an effective and trusted model for confidential safety reporting, other Government agencies and system safety domains have requested NASA's assistance in establishing new systems of confidential reporting; thus, new technical requirements have been identified for ASRS and its related systems. ARC is working to establish a new interagency agreement with the Department of Transportation, FRA, for NASA to create and establish a railroad safety reporting system for the nation's rail transportation system parallel to ASRS. ARC expects this agreement will be finalized no later than the second quarter of FY10. It is critical that the Government is supported by the infrastructures and operations of the current ASRS and its

related systems in order to transfer optimal operations and technologies to the railroad system without disrupting these ongoing systems in the process. In addition, concurrent to the addition of the rail reporting system, ARC anticipates the existing ASRS and PSRS programs will be adding partners to their operations. The FAA has established a new aviation safety action program for air traffic controllers entitled "Air Traffic Safety Action Program (ATSAP)." Through the ASRS program, ARC has been closely involved in ATSAP's development, and the FAA has informed NASA that ATSAP reports will be provided to the ASRS program. ARC expects the volume of the ATSAP reports will require incorporation into the current processes and expanded IT support procedures of the ASRS. In addition, the PSRS is also in the process of developing a new agreement with a private consortium of hospitals that will require additional effort to initiate, coordinate and establish a trusted relationship. The new systems are expected to be implemented during the first six months of 2010. A one-year extension to the current contract is therefore critical to eliminate the potential disruption that a possible change in contractors would cause while these new systems are implemented. The additional time will mitigate the likelihood of disruptions, ensuring a smoother, more efficient and cost-effective incorporation of the newly identified technical requirements into the ASRS systems.

The estimated value of the services for this twelve-month extension is [FOIA Exemption 5](#), based on the Government's Independent Cost Estimate. The Independent Cost Estimate was based on a technical review of the labor hours and skill mix anticipated to be necessary for continued performance and the anticipated maintenance and operation costs of ASRS for the remaining period of performance. This extension will not require an increase in contract value because the value exceeds the cumulative total of all tasks by more than [FOIA Exemption 5](#). The FAA, the VA, the FRA, and the private hospital consortium will submit funding to support the extended twelve-month period of performance.

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

The statutory authority permitting other than full and open competition for this procurement is 10 USC 2304(c)(1), *Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements*.

D. Demonstration of the proposed contractor's unique qualification or the nature of the acquisition requires 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.

The services to be provided during the twelve-month extension to the current contract are necessary to provide coverage of critical—and highly specialized—technical requirements including the development and deployment of new confidential safety reporting systems. If these highly specialized services were acquired competitively, as a separately competed twelve-month contract, 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 contractor has proper knowledge of work requirements necessary to support ASRS requirements.

Further, competition for the twelve-month requirement would cause unacceptable delays to NASA's requirements. Performance requirements for the twelve-month extension period include the development, implementation, and full deployment of new safety reporting systems such as a rail safety reporting system and other related safety systems for other government agencies. A separate competition and potential award to a different vendor for the twelve-month period would neither be feasible nor reasonable given the current and near-term requirements for contract performance, and the status of the ongoing follow-on procurement. The impact of a separate competition would necessarily be disruptive, cause unacceptable delays, and damage the seamless continuity of services necessary to support the other governmental customers, and 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 publicized as required by FAR Subpart 5.2 and, if not, which exception under 5.202 applies. [FAR 6.303-2(a)(6)]

As required by FAR Subpart 5.2, on September 11, 2009, a synopsis was posted on NAIS and FedBizOpps to inform the public of NASA's intent to extend contract NNA05AC33C with BAH in order to continue performance through January 2, 2011. The synopsis provided instructions for interested organizations to submit capabilities and qualifications to perform the effort to the Contracting Officer.

A total of two responses were received by the response date of September 25, 2009. A capability statement was received by ICS (International Computer Systems, Inc.) of Greenbelt, MD 20770, an 8(a)/SDB company. The company submitted its capabilities and desires to perform the work required during the contract extension in "a first-tier subcontracting opportunity with a NASA experienced contractor such as the incumbent – Booz-Allen Hamilton. ICS, Inc. is also interested in a joint venture or a mentor-protégé arrangement with the incumbent or a qualified NASA experienced contractor for pursuing the ASRS contract work." The Contracting Officer determined that this company did not submit evidence demonstrating its capability to perform the ASRS work for the twelve month extension as the prime contractor.

In addition, a capability statement was received from CNSI, of Rockville, MD 20850, a large business. The company submitted a statement that indicated, "CNSI understands that the government intends to extend the current ASRS contract with Booz Allen Hamilton, Inc., for one year. This will extend the current contract through January 2011. CNSI, however, would like to convey our continued interest in this opportunity should it become available on a full-and-open competition basis." The Contracting Officer determined that CNSI was not disputing the Government's intention to extend the BAH contract for an additional period of twelve months on a sole source basis; however, CNSI, who submitted responses to both RFIs, has again expressed their continued interest in the follow-on procurement when it eventually competed for the expected January 2011 award.

ICS and CNSI have been advised of the Contracting Officer's determination, based upon the responses received to the notice, not to compete this proposed effort on a full and open competition basis.

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's signature on this document indicates that the Contracting Officer has determined that the anticipated cost to the Government will be fair and reasonable. Prior to execution of the contractual instrument the contractor's proposal will be analyzed using established task order evaluation procedures. The proposal analysis will ensure that the final agreed-to price for the contract extension is fair and reasonable. Analysis will include cost and price evaluation techniques. Since this extension is to an existing cost-type contract, all costs and rates will be compared to those already negotiated and accepted under the contract. All costs will continue to be audited by DCAA.

G. 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)]

The market research that has been conducted by the SEC for the ASRS follow-on procurement was considered in order to validate assumptions concerning the planned sole-source approach for this contract extension. That research, as evidenced by the responses to the GSA and NAIS/FedBizOpps RFIs for the follow-on contract, shows that there are at least eight large businesses that claim the capabilities to perform the work required for the follow-on ASRS acquisition. In the case of the synopsis for the twelve-month extension, however, only the interested parties noted in paragraph E, above, responded.

Historical knowledge of previous and current contracts has shown a six- to nine-month impact on full implementation of all ASRS processes and procedures including time required to stabilize the workforce. For the twelve-month extension period that begins on January 3, 2010, a successor contractor would require time after contract award to establish the workforce and gain the proper knowledge of the processes and procedures of the ASRS system and its related systems to seamlessly continue the operation of these vital systems. In addition, it is critical that the contractor for the extension period have the immediate technical expertise and organization to begin the development and implementation of the rail reporting system, and the other new related systems, so that it can become fully operational for the other governmental agencies. The risk to the Government of any delay or lapse because of a new contractor's inexperience with ASRS and its related systems would be substantial and could affect national safety and security.

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

Facts supporting the use of other than full and open competition are set forth in paragraph C of this document. In addition, it has been determined that BAH is highly qualified to continue performance of this contract at NASA ARC through January 2011, pending award of a follow-on contract for the required services. The contractor's task performance—in terms of safety, milestones, scheduled metrics, and technical deliverables—is well organized, prioritized, and safely completed on time and within budget. The contractor has received semi-annual "Very Good" to "Excellent" Award Fee ratings since contract inception.

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

As noted in paragraph E. above, only two sources (ICS and CNSI) responded to the September 11, 2009 synopsis. In summary, ICS expressed an interest to participate in ASRS as a subcontractor, joint venturer, or protégé – not as a prime – and CNSI expressed interest in the ultimate full and open follow-on competition.

J. 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)]

As noted above, this sole source award to BAH of an extension to the ASRS contract is due to additional technological changes to the ASRS safety reporting systems that will be in progress during the contract extension period. These highly specialized requirements must be implemented and fully operational before a change in contractors for the requirement can occur. The sole source extension is also required due to delays in the formation of the SEC such that selection and award of a follow-on contractor by the end of the current contract period is not feasible. The SEC for the follow-on procurement is now actively completing pre-solicitation requirements. From the number of enthusiastic responses received by the SEC in response to both RFIs, and communications from interested vendors, it is anticipated that a rigorous competition for the follow-on contract will ensue.

For the foregoing reasons and to prevent unacceptable delays and substantial duplication of costs in fulfilling the Agency's requirements, Booz Allen Hamilton Inc. is the only responsible source to perform the ASRS requirement from January 3, 2010, through January 2, 2011.

Signature Page

Requirement Initiator:

Linda Connell
Contracting Officer's Technical
Representative

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

Linda Connell
Signature

9/28/09
Date

Contracting Officer:

Mark E. Lefler

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.

Mark E. Lefler
Signature

9/28/09
Date

CONCURRENCE:

Directorate Manager:

Dr. Eugene Tu
Director of Exploration Technology

E. Tu
Signature

9/28/09
Date

Procurement Officer:

Jeffery M. Lupis

J. M. Lupis
Signature

9/29/09
Date

APPROVAL:

Center Competition Advocate:

Lewis S.G. Braxton III
ARC Deputy Center Director

Lewis S.G. Braxton III
Signature

9/29/09
Date

cc (after approval):

JAB/241-1