JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (JOFOC)
(In accordance with Federal Acquisition Regulation (FAR) 6.3 – Other than Full and Open Competition)

1. This document is a justification for other than full and open competition prepared by NASA's Goddard Space Flight Center (NASA's GSFC):

The procuring agency is the National Aeronautics and Space Administration (NASA) and the contracting activity is NASA's Goddard Space Flight Center (GSFC). GSFC proposes to increase the maximum ordering amount of existing contract NNG06AZ12C with J's Associates LLC, of Dunkirk, MD. This document justifies the determination for using other than full and open competition.

2. The nature and/or description of the action being approved:

The Water Treatment Program contract NNG06AZ12C was awarded under a Total Small Business Set-Aside solicitation on September 22, 2006 for a five year period, through September 21, 2011. It is an indefinite delivery/indefinite quantity, firm fixed price contract, with a maximum order amount of $750K. Quantities ordered under the contract schedule have exceeded projections and it is anticipated that the amount ordered under contract NNG06AZ12C will reach the maximum order amount in October 2009. The government is currently preparing a follow-on procurement for Facilities Operation and Maintenance (FOMS) at GSFC which will incorporate this requirement for water treatment services. The follow-on FOMS contract is due to be awarded in October 2010. To avoid a break in water treatment service, the Government is increasing the maximum ordering amount of contract NNG06AZ12C to cover water treatment services during the 12-month period until the services rollover into the follow-on FOMS contract.

3. Description of the supplies or services required, including an estimated value:

The current contract NNG06AZ12C requires the contractor to provide the personnel, materials, and equipment necessary to implement a comprehensive service-oriented Water Treatment Program at NASA/GSFC. The objectives of the Water Treatment Program are to minimize, to the extent practical, the effects of water and biological agents on the metal surfaces inside GSFC's cooling tower, chilled water, steam generating systems, and other closed water systems in order to prolong the life and maximize the effectiveness of these systems.

The current contract maximum ordering amount is $750,000. Based on the historical ordering amounts under the current contract, the estimated additional amount necessary to cover these services through October 2010 is $200,000. Therefore the maximum ordering amount of the contract will be increased from $750,000 to $950,000.

4. Statutory authority permitting other than full and open competition:

The statutory authority being used is 10 U.S.C. 2304 (c)(1), Only One Responsible Source

5. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:

Continuous and consistent chemical water treatment is critical to the ongoing operation and condition of the heating and cooling equipment in GSFC's Central Plants. A break in service poses an unacceptable risk to the support of mission activities on the Center by the Central Plants.

GSFC is actively working on the FOMS follow-on procurement which will incorporate all the services performed under the current Water Treatment Program contract. The FOMS follow-on contract is expected to be awarded by October 2010.

J's Associates, as the current incumbent, has the in-depth knowledge of the on-site facilities and systems and personnel to provide uninterrupted continuation of mission critical services. An interruption and restart of the services currently being performed, with a new contractor that is unfamiliar with the existing facilities and the specific requirements of the Water Treatment Program contract, would greatly jeopardize the operation of the Central Plants. Due to the time and substantial duplication of costs involved in procuring and phasing in another contractor, J's Associates is considered the only contractor that can provide the critical continuous service until the award of the FOMS follow-on contract.

6. Description of the efforts made to ensure that offers are solicited from as many potential sources as practicable, including whether a notice was or will be publicized as required by Federal Acquisition Regulation (FAR) 5.202:

Market Research was conducted during the procurement planning for the current contract. In addition, a synopsis of this proposed action was posted for 15 days on the NASA Acquisition Internet Service (NAIS) and on FedBizOps, from September 15, 2009 to September 30, 2009.

7. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable:

Prices under the current competitively awarded contract schedule are already established covering the period until the FOMS follow-on contract is awarded. This action only increases the contract maximum order amount.

8. Description of the market research conducted, and the results, or a statement of the reasons market research was not conducted:

A synopsis was posted on September 15, 2009 on NAIS and FedBizOps to inform potential sources of NASA's intent to increase the maximum value of the current contract and to provide an opportunity for interested firms to submit their capabilities and qualifications.

One firm responded to the synopsis, DuBois Chemicals, Inc (DuBois). DuBois is self-certified as a small business under NAICS Code 325199 (All Other Basic Organic Chemical

Manufacturing). The current Water Treatment Program Services contract was awarded as a Total Small Business Set Aside under NAICS Code 221310 (Water Supply and Irrigation Systems), which now has a size standard of $7.0M. DuBois has an average annual revenue of more than $7.0M and is therefore considered a large business under NAICS Code 221310.

No small businesses responded to the synopsis.

9. Other facts supporting the use of other than full and open competition:

The need for continuous coverage of chemical water treatment cannot be met through the regular procurement process. The award date for the present contract occurred 15 months after the decision was made to make the contract a best value, small business set-aside procurement. During that time, the existing BPA agreement was continued. To maintain equipment condition and performance it is essential that no gap occurs in chemical water treatment. Full and open competition (even if limited to small businesses) will not allow for continuity of treatment.

10. Sources, if any, that expressed an interest, in writing, in the acquisition:

One large business, DuBois Chemicals, Inc., responded to the synopsis as described in Section 8 above. No responses were received from small businesses.

11. The actions the Agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required:

The follow-on FOMS contract (which will include the Water Treatment Program requirement) will be an 8(a) set-aside with a 5 year period of performance. Increasing the current contract's maximum ordering amount will allow orders to be placed under the contract only until the FOMS follow-on contract is awarded.

There are no barriers to competition for these services at the end of the current contract. The follow-on acquisition is being prepared and will incorporate these services. Therefore, this action will have no effect on future actions and no further action is required to remove barriers to future competition.

JOFOC Signature Page for increasing the maximum amount of contract NNG06AZ12C

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

Signature 10/13/09 Date

CONTRACTING OFFICER: (APPROVAL) I certify that this justification is accurate and complete to the best of my knowledge and belief.

Signature 10/15/09 Date