

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

**Justification for Other Than Full and Open Competition**

**Summary Information:**

Initiating Office: NASA Ames Research Center  
Protective Services Office (Code JP)

Purchase Request No.: 4200366046

Procurement Title: Protective Services

Total Estimated Value: FOIA Ex. 5

Period of Performance: January 1, 2011 through December 31, 2011

Statutory Authority: 10 USC 2304(c)(1), *Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements*

This Justification for Other Than Full and Open Competition (JOFOC) has been prepared in accordance with the requirement 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 contract modification to the ARC Protective Services Contract No. NNA04CI14T (APSC) with SECTEK, Inc. (SECTEK), on a firm fixed-price basis, to provide for ongoing protective services at ARC. This extension is required pending completion of the procurement process for the follow-on contract for protective services at ARC.

The extension of the APSC provides the support needed to avoid a gap in service at ARC upon the expiration of the current APSC and award of the follow-on contract. This extension will cover a potential maximum period of performance of one (1) year. The total potential performance period of the extended APSC, as provided herein, inclusive of all option periods and extensions, will be seven years and six months (June 1, 2004, thru December 31, 2011).

The NASA Associate Administrator for Mission Support Directorate issued a letter on September 15, 2010, advising of the cancellation of the agency-wide solicitation for NASA Protective Services, the cancellation of the NASA Protective Services Contract (NPSC) to Coastal International Security Inc. for the convenience of the government and the intent to provide the Centers with the authority to extend the current Center contracts until individual Center follow-on contracts can be put into place.

On October 13, 2010, NASA Headquarters issued Procurement Information Circular (PIC) 10-15 which provides an extension of the previous class deviations from the requirements of FAR 17.204(e) and NFS 1817.204(e)(iii). The previous class deviations were PIC 09-04A, issued by NASA Headquarters on December 29, 2009, and PIC 09-04 issued by NASA Headquarters on March 25, 2009. PIC 09-04A authorized extension of the APSC after the second Protest challenging award of the NPSC was filed on October 6, 2009. This Protest was still pending when the announcement of the cancellation of the agency-wide solicitation for NASA Protective Services and the NPSC to Coastal International Security Inc. was issued by the NASA Associate Administrator. PIC 09-04 authorized extension of the APSC after the first Protest challenging award of the NPSC was filed on September 17, 2008, in the United States Court of Federal Claims. That Protest was resolved.

The class deviation under PIC 10-15 applies only to existing contracts that would have migrated to the canceled NPSC.

NASA Headquarters, through issuance of PIC 10-15, has proclaimed: "NASA must maintain continuity of service by extending the period of performance for several existing protective services contracts. In some cases, the extensions will cause existing contracts to exceed the five year maximum period of performance. These extensions are necessary to complete center-level competitions."

**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)]**

This extension of the APSC will continue the existing comprehensive protective services program to support ARC in accomplishing its institutional protective services program objectives. Major areas of work include security, emergency response, risk assessment, vulnerability analyses, innovative and strategic recommendations for security enhancements and upgrades, international visitor requests, infrastructure security and badging operations, safeguards and counterintelligence services. The contractor maintains a Top Secret facility clearance. Additional services include staffing a 24/7 operation during emergency or disaster periods. These services are critical to the day-to-day operation of the Center and cannot be allowed to lapse.

The estimated value of the services for this twelve (12) month (maximum) contract extension, consisting of a nine month base period and three one (1)-month option periods is FOIA Ex. 5, based on the Government's Independent Cost Estimate. The Independent Cost Estimate was developed based on historical fixed cost and pricing data, as well as a technical review of the continuing data element requirements occurring during the extended performance period. The APSC includes Collective Bargaining Agreements between SECTEK, Inc., and United States Government Security Officers of America (UGSOA) Local 403 (effective August 21, 2009, through August 31, 2010) and SECTEK, Inc., and Northern California Carpenters Regional Council, Carpenters Forty-Six Counties Conference Board and their Affiliated Local Unions (effective November 1, 2010, through October 31, 2012).

The procurement process for the follow-on contract has been initiated concurrent with this twelve(12) month maximum extension period. The Milestone Plan for evaluation and award of the follow-on APSC is as follows:

Synopsis	01/06/2011
Draft Solicitation Released	02/05/2011
Final Solicitation Released	03/27/2011
Proposal Due Date	05/26/2011
Initial Evaluation Complete	07/05/2011
Competitive Range	07/15/2011
Discussions Complete	08/14/2011
Final Proposal Received	08/24/2011
Award	09/23/2011

The Milestone Plan, as shown above, anticipates award of the APSC contract in the latter part of September, aligning with the nine (9) month base period of performance as previously stated. The additional three one-month option periods provide for an extension of the performance period, if required, due to possible unanticipated delays in the procurement process leading up to contract award, and a thirty (30) day phase-in period.

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

The statutory authority is 10 U.S.C. 2304(c)(1); *Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.*

**D. A 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)]**

Since ARC has only recently commenced acquisition planning for follow-on protective services due to the September 15, 2010 notification from NASA Headquarters of the cancellation of the agency-wide solicitation for NASA Protective Services and the cancellation of the NPSC to Coastal International Security Inc, SECTEK is the only responsible source that can continue providing uninterrupted services to ARC, under the APSC, because, as determined by Headquarters, quoted in PIC 10-15, above, "These extensions are necessary to complete center-level competitions."

PIC 10-15 provides the authority to Contracting Officers, with the approval of the Center Procurement Officer, to extend the protective services contract through December 31, 2011.

**E. A 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)]**

A synopsis was posted on the NASA Acquisition Internet System (NAIS) and the "FedBizOpps" Federal Business Opportunities Portal on November 16, 2010, for 10 calendar days to inform the public of NASA's intent to extend the APSC with SECTEK, for a twelve (12) month performance period (maximum). The response date to the synopsis was November 26, 2010. The synopsis stated that an agency-wide class deviation had been issued by NASA Headquarters on October 13, 2010, authorizing the extension of contracts containing requirements that would have migrated to the cancelled NPSC. The synopsis provided instructions for interested organizations to submit capabilities and qualifications to perform the effort to the Contracting Officer.

Although several sources had expressed an interest in providing protective services to ARC, when advised that this extension period was to provide for completion of the re-competition process for the five (5) year follow-on protective services contract, the sources withdrew their interest in the current acquisition. See Section 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 has determined that the anticipated cost to the Government will be fair and reasonable (see certification on page 6). Prior to this extension to the APSC, 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 extension 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. 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)]**

Although there is a possibility that there may be other sources capable of providing these protective services at ARC for this twelve (12) month maximum performance period, PIC 10-15, as cited above, specifically prescribes that since NASA Centers have only recently commenced acquisition planning for follow-on protective services contracts and must maintain continuity of services, this extension of the existing APSC is necessary in order to complete center-level competitions.

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

SECTEK is highly qualified to continue performance of the APSC at ARC through December 31, 2011, pending completion of the acquisition process. Overall contract performance—in terms of safety, milestones, scheduled metrics and deliverables—is well-organized, prioritized and safely completed on time and within budget. SECTEK has maintained a very good/excellent performance rating on the APSC.

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

Several sources had expressed an interest in providing protective services to ARC during this subject twelve (12) month performance period, however when advised during telephone discussions that the twelve (12) month maximum extension period was to provide for completion of the re-competition process for the five (5) year follow-on protective services contract, the sources withdrew their interest in the current acquisition to formally apply to the solicitation for the five-year follow-on 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)]**

Previous competition for both the NPSC and the APSC was adequate. The proposed extension is due solely to the need to continue the provision of critical protective services to ARC pending completion of the procurement process for follow-on services. Therefore, there are no actions the agency needs to take to remove or overcome any "barriers to competition" before services can commence after award of the follow-on contract

For the foregoing reasons, SECTEK is the only responsible source to support the critical requirement for essential protective services at ARC during the subject twelve (12) month maximum performance period.

Signature Page

**Requirement Initiator:**  
*Ken Silverman*  
Contracting Officer's  
Technical Representative

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

*Kenneth M. Silverman*

Signature

*11/24/10*

Date

**Contracting Officer:**  
*B. K. Pohl*

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)]

*B. K. Pohl*

Signature

*01 Dec 2010*

Date

**CONCURRENCE:**

**Directorate Manager:**  
*Deborah L. Feng*  
Director of Center  
Operations

*Deborah L. Feng*

Signature

*12.15.10*

Date

**Procurement Officer**  
*Jeffery M. Lupis*

*Jeffery M. Lupis*

Signature

*12/15/10*

Date

**APPROVAL:**

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

*Lewis S.G. Braxton III*

Signature

*12/15/2010*

Date

cc (after approval):  
JAB/241-1