

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
LYNDON B. JOHNSON SPACE CENTER
JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
PURSUANT TO 10 U.S.C. 2304(c)(1)
(Federal Acquisition Regulation (FAR) 6.302-1)

NNJ06HC02C, FACILITY OPERATIONS AND SUPPORT CONTRACT (FOSC)

1. This document is a justification for other than full and open competition prepared by the NASA Johnson Space Center (JSC).

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

This justification provides the rationale for contracting by other than full and open competition with Enterprise and Advisory Services, Inc. (Easi) for the continuation of environmental services under the FOSC at White Sands Test Facility (WSTF), Las Cruces, New Mexico, for a period not to exceed 6 months. The value of this action is approximately \$5 million. These services are critical to WSTF to ensure compliance with federal and state regulatory requirements, permits, and approved work plans associated with WSTF environmental restoration and remediation activities.

The extension is necessary because award of the Environmental Compliance and Operations (ECO) contract, planned to begin May 1, 2011, was protested by an unsuccessful offeror. The protest was received by the Government Accountability Office (GAO) on March 14, 2011. The FOSC contract expires on April 30, 2011. Based on the timeline for the resolution of a GAO protest, extension of the existing contract is necessary for at least 3 months to continue service until the new contract can be awarded. This timeline allows 100 days for the GAO to provide a ruling (time limit imposed by 4 C.F.R. 21.9, Time for decision by GAO) and 30 days for phase-in/phase-out.

The extension will be executed via bilateral modification, citing the authority of FAR clause 52.217-8, Option to Extend Services. Initially, the contract will be modified to extend services for the period of May 1, 2011, through July 31, 2011. However, should award of the follow-on contract be delayed further, the terms of the clause allow for additional extension(s), not to exceed a 6-month total extension. The estimated value used in this justification is based on 6 months to ensure that adequate approvals are obtained for the maximum possible extension in the event award of the follow-on contract is delayed beyond the initial 3-month extension.

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

The FOSC provides facility and operations support for WSTF, Las Cruces, New Mexico. Services to be extended include compliance with ISO14001 certification standards, procurement activities, plume front treatment maintenance and operations, and environmental compliance and remediation activities. These services are critical in

enabling WSTF to perform hazardous testing and evaluations for NASA. The required services are provided under Statement of Work (SOW) sections 3.1, Management Systems; 3.2, General Requirements; 3.6, General Environmental Requirements; and 7.0, Environmental. Sections 3.1 and 3.2 are completion form, cost reimbursable, while sections 3.6 and 7.0 are indefinite-delivery indefinite-quantity (IDIQ), cost reimbursable.

It is estimated that the total value of these services for a 6-month period is \$5 million. The contract IDIQ ceiling is \$250 million, with approximately \$153 million authorized to date. An increase to the contract ceiling is not necessary to accommodate the extension of additional IDIQ services under SOW sections 3.6 and 7.0. However, an increase in the completion form portion of the contract for SOW sections 3.1 and 3.2 will be negotiated for approximately \$450 thousand.

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

The statutory authority for proceeding with this acquisition under other than full and open competition is 10 U.S.C. 2304(c)(1) as provided for by FAR 6.302-1(a)(2)(iii), which states that full and open competition need not be provided when the services required by the Agency may be deemed to be available from the original source in the case of a follow-on contract for the continued provision of highly specialized services when it is likely that competition would result in unacceptable delays in fulfilling the Agency's need.

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

Easi is the only responsible source that has the qualifications to provide these services within the required timeframe. They have been successfully performing the services since March 1, 2006. They are familiar with the requirements of the contract, including applicable NASA, state, and federal regulations, and the site-specific environmental issues facing WSTF. They have a fully qualified and trained workforce in place. Easi has consistently received ratings of "Very Good" or better during award-fee evaluations.

Conducting a competitive procurement for this bridge period would be cost and schedule prohibitive. With only 30 days until the contract expiration date, there is not sufficient time to carry out the process of advertising, soliciting, and evaluating competitive proposals for these services. In addition, award to a new contractor would require a transition period to allow adequate time for hiring, credentialing, and issuing badges to employees and receiving turnover from the incumbent on the current programs and systems in place.

Continuity of these critical services is essential to prevent or minimize violations and potential corresponding fines and penalties.

6. Description of the efforts made to ensure that offers are solicited from as many potential sources as practicable:

As required by FAR Subpart 5.2, a notice was posted on the NASA Acquisition Information System and on FedBizOpps on March 31, 2011, announcing the Agency's intent to award a sole source extension of these services under Contract NNJ06HC02C.

The follow-on contract for these services was advertised and competed to ensure that offers were solicited from as many potential sources as practicable.

7. Description of the market survey conducted and the results or a statement of the reasons a market survey was not conducted:

A market survey was conducted in the fall of 2009 in preparation for the follow-on procurement. Six competitive quotes were received in response to the solicitation which was posted to FedBizOpps on July 27, 2010. The agency is aware that other sources could perform these services, given adequate lead time. However, with only 30 days until contract expiration, the agency does not have sufficient time to allow for competition due to the protest. Doing so would put WSTF in jeopardy of having a break in service. Any disruption in service would pose unacceptable risk to the installation and the surrounding community.

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

N/A

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

At this time, no other sources have expressed interest in performing this action.

10. 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:

In this case, the barrier to competition is time. There are presently no steps the agency can take to remove or overcome this barrier. The current contract expires on April 30, 2011, and the agency cannot proceed with the new contract until the GAO reaches a decision regarding the protest of the ECO contract.

The agency took the proper steps to advertise and solicit competition for the follow-on contract for these services.

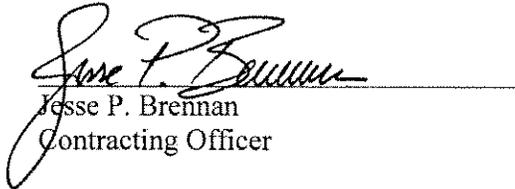
Technical Officer: I certify that the supporting data presented in this justification are accurate and complete.



Radel L. Bunker-Farrah
Contracting Officer Technical Representative

3-31-11
Date

Contracting Officer: 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.



Jesse P. Brennan
Contracting Officer

3/31/11
Date

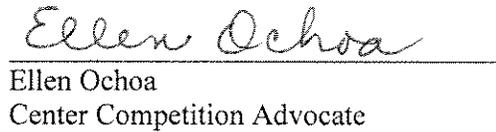
CONCURRENCE:



Debra L. Johnson
Director, Office of Procurement

4/11/11
Date

APPROVAL:



Ellen Ochoa
Center Competition Advocate

4/15/11
Date