

**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 JAC)

Purchase Request No.: 4200388073

Procurement Title: Ames Research Center Logistics Management Services

Total Estimated Value: **FOIA Ex. 5**

Period of Performance: June 1, 2011 through February 28, 2012

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 has been prepared in accordance with the requirements of Federal Acquisition Regulation (FAR) [6.303](#) and NASA FAR Supplement [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 Tessada & Associates, Inc., to extend the period of performance of contract NNA09DB40C for up to nine (9) months. This extension will consist of a three (3) month base period plus six (6) one-month option periods. The performance period to be covered by this action will begin June 1, 2011 with a potential end date of February 28, 2012.

The purpose of the modification is extend the contract to provide on-going support for mission critical work at ARC pending placement of a follow-on contract for the required support under an ongoing competitive acquisition. The total contract performance period with this extension will be 2 years and 10 months.

NNA09DB40C was awarded as a non-competitive bridge contract on April 30, 2009, with an effective date of May 1, 2009. The contract had an original ultimate completion date of January 31, 2010 (after exercise of all options). The contract type is Firm-Fixed Price (FFP). This contract was awarded to provide continuous services following the end of the previous contract, NNA04CI13C, and the beginning of the follow-on contract.

Effort for the re-competition of the NNA04CI13C began in early 2008. Revisions to the business model utilized during acquisition strategy delayed issuance of the solicitation until February 22, 2010. This delay prompted a Justification for Other than Full and Open Competition (JOFOC) which was approved on January 27, 2010, and authorized the extension of the contract's performance period for five months, through June 30, 2010.

In June 2010, ARC issued a second contract extension, extending the contract performance from July 1, 2010 through November 30, 2010, including options. Proposals for the follow-on procurement were received on March 30, 2010. The basis for the second contract extension was to provide continuous logistics services while evaluations, contract award, and phase-in/phase-out are completed. At the time, it was anticipated that contract performance for the follow-on would begin December 1, 2010.

By November 2010, ARC revised the anticipated award date of the follow-on contract to February 2011. Subsequently, ARC issued a third contract extension on November 30, 2010, extending the contract performance from December 1, 2010 through February 28, 2011. Based on the information available at the time, this extension was made to cover the period through February 28, 2011, as publicized in the May 2010 synopsis. However, at the time of the extension, it was known that the more recent delays in the procurement schedule would require an extension beyond February 28, 2011 to account for Phase-In requirements.

By January 2011, ARC again revised the anticipated award date of the follow-on contract to March 31, 2011. A fourth contract extension was issued on February 28, 2011, extending the period of performance of the contract for one (1) month plus two (2) one-month options, from March 1, 2011 through May 31, 2011. All option periods for this extension were exercised and an award of the follow-on contract has not yet been made.

The award date of the contract is currently delayed due to a procurement integrity issue. An accurate anticipated award date cannot be determined at this time. The proposed extension period is structured to provide uninterrupted logistics management services until an award is made and consists of option periods that provide ARC the flexibility of awarding the follow-on contract when needed.

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

This contract modification will enable the requiring organizations to continue to obtain critical logistics support. This contract provides all of the logistics support to ARC, including critical mail, janitorial, waste management, and property management and disposal services. These services are critical to the day-to-day operation of the Center and cannot be interrupted. Additionally, ARC hosts mission-related special events on a routine basis that require logistics services. ARC special events have a wide array of goals, including education, outreach, and the exchange of ideas and information critical to ARC's mission accomplishments. For this upcoming period specifically, NASA ARC intends to host the 2011 NASA Lunar Science Forum in July 2011 at the NASA Ames Conference Center (NACC). Without the ongoing logistics support that is provided under the Indefinite Delivery/Indefinite Quantity (IDIQ) contract line item of contract NNA09DB40C, ARC would be unable to successfully host this upcoming event, as well as provide support to other events that may arise during this period.

The estimated value of the services for this nine (9) month contract extension is **FOIA Ex. 5** based on the Government's Independent Cost Estimate. The Independent Cost Estimate was determined based on a technical review of labor and materials anticipated to be necessary for continued performance of current and anticipated tasks for the remaining period of performance. This extension will require an increase in contract value by **FOIA Ex. 5**, from **FOIA Ex. 5** to **FOIA**

Ex. 5.

The ARC Logistics Management Services contractor is responsible for providing a variety of critical logistics support services to NASA ARC, and a wide variety of Government and private sector tenants at NASA ARC and Moffett Field locations. The tasks supported under the contract are performed daily and include (1) supply and warehouse management; (2) disposal and equipment management; (3) mail services; (4) shipping and receiving services; (5) fleet management; (6) refuse services; (7) janitorial services; and (8) industrial property management.

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

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), if supplies or services required by the agency are available from only one responsible source, and no other type of supplies or services will satisfy agency requirements, then full and open competition need not be provided for. For the reasons set forth below, the incumbent contractor is the only responsible source that can reasonably satisfy these requirements pending award of the follow-on contract.

The contract extension will provide for all of the logistics support necessary for daily operations of ARC, including mail, janitorial, waste management, and property management and disposal services. These services are critical and cannot lapse while the Center is operational. No contractor other than the incumbent can provide the required logistics services, for a temporary nine (9)-month period, without placing the following critical needs of the Center at risk: (1) seamless, ongoing, immediate, and fully adequate logistics support; and (2) maintenance of cost and strict budget requirements. ARC's hosting of special events, such as the upcoming Lunar Science Forum event planned for July 2011, places extra demands on its logistics infrastructure and is critical to mission accomplishment.

The current Logistics Management Services contract is a bridge contract that was developed due to a mid-stream change in acquisition strategy supporting the ongoing solicitation of follow-on services under solicitation NNA09281196R. The bridge contract was established with the expectation that the follow-on contract would be awarded by December 31, 2009 (allowing for a one-month phase in period). It was later extended first through June 30, 2010, then through November 30, 2010, again through February 28, 2011, and more recently through May 31, 2011 as a result of changes to the procurement schedule. These delays initially stemmed from the effects of a significant change to the follow-on contract structure to firm-fixed price (FFP) IDIQ, which required extensive effort to develop the individual task orders and their associated price estimates. Among the efforts undertaken in support of this development was benchmarking of approaches taken by other Agencies and NASA Centers to satisfy similar requirements as well as extensive restructuring of the ARC Statement of Work and solicitation to integrate the results of the benchmarking studies so that they would reflect the best practices of all benchmarked activities. The most recent delays are attributed to a procurement integrity issue. This delay

creates another gap in service delivery that ARC proposes to close by extending the bridge contract (NNA09DB40C).

Tessada, as the incumbent contractor, is intimately involved with the existing requirement, and is uniquely suited to accommodate ARC's day to day logistics support requirements as well as special events logistics support. If ARC does not extend contract NNA09DB40C, it will suffer unacceptable delays in support of its critical logistics systems and infrastructure. Continuation of these services is necessary because this contract maintains and supports the logistics infrastructure for the entire Center. Without this contract, critical mission support services used by the Center research workforce would cease, and the researchers would be unable to effectively and efficiently conduct their critical research. This adversely affects project schedules supporting ongoing and future NASA missions, as well as in project schedules supporting enhancements to the transportation infrastructure of the United States.

There is no reasonable alternative to modifying the existing bridge contract. A separate competition and award to another contractor, covering this temporary, nine (9)-month period, would neither be feasible nor reasonable, particularly given that it is expected that the current re-competition for a long-term follow-on contract will result in an award by the end of the requested extension period. The result would be a substantial duplication of cost (including those associated directly with a re-procurement and those learning-curve costs associated with the transition to a new contractor) to the Government that could not be recovered, and the endangerment of the seamless continuity of logistics services, which are critical to support ARC and NASA's mission. Therefore, this potential maximum nine (9) month contract extension is necessary to provide coverage of critical technical requirements pending completion of the competitive follow-on action.

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)]

A synopsis was posted on the NASA Acquisition Internet System (NAIS) and the "FedBizOpps" Federal Business Opportunities Portal on May 2, 2011, to inform the public of NASA's intent to extend the bridge contract (NNA09DB40C) with Tessada in order to continue performance through February 28, 2012. The synopsis provided instructions for interested organizations to submit capabilities and qualifications to perform the effort to the Contracting Officer. No capability statements were received in response to the synopsis.

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 anticipated cost to the Government will be fair and reasonable (see certification on page 7). Prior to execution of the contract extension, a proposal analysis will be performed in accordance with FAR Part 15.404. The proposal analysis will ensure that the final agreed-to price for the extension is fair and reasonable. Analysis will include price analysis techniques. Pre-negotiation objectives will be prepared prior to the initiation of negotiations and will be approved in accordance with FAR Part 15.406 prior to the conduct of the 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)]

Prior to the award of the bridge contract, market research was conducted to identify other potential sources that may be available in the market capable of satisfying logistics requirement as part of the analysis conducted. At that time, ARC considered award of a competitive 8(a) contract to satisfy ongoing requirements. The technical organization reviewed a list of 8(a) contractors, as well as each contractor's capabilities against the Center's budget constraints and determined that the incumbent, Tessada, was the only responsible source. In addition, market research was conducted in May 2011, identifying 121 potential vendors on GSA Schedule 874V, Logistics Worldwide, Special Item Number (SIN) 874-507, Operations & Maintenance, Logistics Management, and Support Services. However, establishing a bridge contract with an offeror other than the incumbent for the proposed extension would neither be feasible nor reasonable, for the reasons outlined in this document, particularly in Paragraph D.. In light of the potential current short-term extension requirement, the determination made prior to the award of the bridge contract that the incumbent, Tessada, is the only responsible source remains valid.

A synopsis for this contract extension action has been posted in NAIS and FebBizOpps as stated above. The Contract Specialist received no capability statements in response to the synopsis. Further, private industry made no inquiries in response to the synopsis.

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

The Logistics and Documentation Division has determined that Tessada is highly qualified to perform the proposed bridge contract extension at NASA Ames Research Center through a potential end date of February 28, 2012 and is, as outlined above, the only responsible source reasonably capable of performing that bridge contract extension, pending award of a follow-on contract. Based on information contained in the latest performance evaluation, Tessada's task performance—in terms of safety, milestones, scheduled metrics, and deliverables—is well organized, prioritized, and safely completed on time and within budget.

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

As set forth in paragraph E, a synopsis was posted on the NASA Acquisition Internet System (NAIS) and the “FedBizOpps” Federal Business Opportunities Portal on May 2, 2011, for ten calendar days to notify potential offerors of NASA’s intent to extend the subject contract. No other source expressed interest in this proposed contract modification.

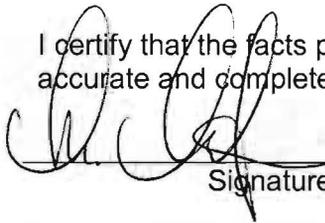
J. Statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required. [FAR 6.303-2(a)(11)]

The subsequent acquisition for ARC’s logistics services is appropriately designated as an 8(a) Set-Aside. The competition for the subsequent contract is currently in process.

Signature Page

Requirement Initiator:
Monica Mendoza
Contracting Officer's
Technical Representative

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



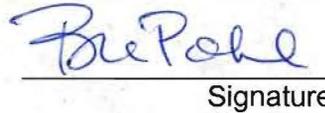
Signature

5/16/2011

Date

Contracting Officer:
B.K. Pohl
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. [FAR 6.303-2(a)(12)]



Signature

16 May 2011

Date

CONCURRENCE:

Directorate Manager:
Deborah L. Feng
Director of Center
Operations



Signature

5.24.11

Date

Procurement Officer:
Kelly G. Kaplan (Acting)



Signature

5/25/11

Date

APPROVAL:

Center Competition Advocate:
Charles W. Duff
ARC Deputy Director
(Acting)



Signature

5/26/11

Signature

cc (after approval):
JAB/241-1