

**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
Acquisition Division (Code JAC)

Purchase Request No.: 4200413420

Procurement Title: Environmental Services

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

Period of Performance: November 4, 2011 through August 31, 2012 (Maximum)

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 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 to Contract No. NNA05AC42C (the “Contract”) with Integrated Science Solutions, Inc. to extend the period of performance a maximum of ten months, consisting of a seven month base (November 4, 2011 through May 31, 2012) and three one-month option periods (June 1, 2012 through August 31, 2012) pending completion of the procurement process for the competitive follow-on contract for this requirement. The original four year performance period of the Contract, inclusive of all options and a thirty day phase-in period, expired on March 3, 2009. The contract was then extended for two years, nine months, March 4, 2009 through November 3, 2011. The Contract is currently under the fifth three month extension period which was approved under the statutory authority 10 U.S.C. 2304 (c) (1).

The purpose of this extension is to provide on-going support for mission critical work at ARC pending placement of a follow-on contract for the required support. The performance period of the Contract is six years nine months. This extension will add an additional maximum of ten months approved by the statutory authority to the performance period.

The total performance period of the Contract, inclusive of all options and with the maximum ten month extension, will be seven years and seven months. Pursuant to PIC 00-22, a Request for Deviation was submitted to NASA Headquarters and is pending approval. The purpose of this extension is to provide ongoing environmental services to ensure the continued compliance with OSHA, State and Federal requirements. During the period August 2009 through September 2010, there were numerous revisions to the business model and structure of this requirement.

First, in June 2010 industry was notified a 2nd Draft Request For Proposal (DRFP) was to be posted due to the numerous Q&As submitted in response to the 1st DRFP and a change in the Government's approach to the task orders. Second, in July 2010 there was a change in the Procurement Team. This resulted in further delays of the SEMSS schedule to allow for review of the over 300 Q&A's submitted by industry and drafting of the final RFP. The Final RFP was posted on November 19, 2010 and proposals were received December 20, 2010. Initial evaluation of the proposals is complete and the Source Selection Authority briefings were conducted in late August 2011. The Competitive Range was developed for Discussions. Submission of final proposals is scheduled for November 28, 2011. Final proposal evaluation is scheduled for November 2011 through mid March 2012 and contract award is scheduled for early April 2012. Following the contract award is a forty-five day Phase-In period.

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

The purpose of this JOFOC is to extend the current Environmental Services Contract for a maximum period of ten months, pending completion of a competitive follow-on contract for this effort. The Contract provides mission critical support for continued compliance with Federal, State, and local environmental laws, regulations, and policies to ARC in the following areas:

1. Environmental compliance and hazardous waste management;
2. Pollution Prevention and sustainability;
3. Wildlife and habitat conservation and NEPA compliance; and
4. Site Investigation and Restoration.

The estimated value of the services for this maximum ten month extension is approximately "FOIA Ex. 5", based on the Government's Independent Cost Estimate (ICE). The ICE was based on a technical review of labor and materials anticipated to be necessary for continued performance of current and anticipated research and technology development projects for the remaining period of performance. The current Contract is a Cost-Plus-Fixed Fee (CPFF) contract with maximum value of "FOIA Ex. 5". This extension provides the support needed to avoid a gap in highly specialized, mission critical, environmental services contract support for ongoing air monitoring activities for the Hangar 1 siding removal project started in May 2011; hazardous waste disposal activities; wetlands remediation work; fuel line removal project; vapor intrusion sampling activities; on-going groundwater monitoring; operation and maintenance of the air sparge and pump and treatment systems; and continued involvement in the boiler replacement project.

With no extension in place during the completion of follow-on contract procurement process, ARC would not be able to support these essential ongoing efforts and continue to maintain compliance with the OSHA, Federal and State regulations.

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 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 maximum ten month extension to the current Contract is necessary to provide coverage of the highly specialized, mission critical, environmental services requirements, pending completion of the competitive follow-on action. These services support atmospheric research, scientific experiments, and studies of planetary atmospheres requiring unique combinations of chemicals, and cohabitation of endangered and threatened species on a facility with an active airfield; such services are, clearly, "highly specialized" apropos the FAR test above. If these requirements were acquired via a separate competition for a separate maximum ten month contract, rather than maximum ten month extension provided for herein, 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 the separate maximum ten month contract, which would be necessary to ensure that the new, possibly different, contractor has proper knowledge of work requirements necessary to support environmental requirements. Again, these costs would be duplicative of costs that already need to be incurred as part of the follow-on requirement anticipated for award in early April 2012. Hence a maximum ten month extension, rather than a new procurement for a maximum ten month contract, is the only cost-effective and reasonable approach for NASA to take in the present situation.

Further, the maximum ten month extension to the current contract also is necessary to avoid unacceptable delays to NASA's mission critical environmental requirements. If the extension is not approved, support for various requirements throughout the Center will be impacted. A separate competition and award to, potentially, a different vendor for a maximum ten month period would neither be feasible nor reasonable given the current and on-going follow-on procurement, and the result would necessarily be disruption and unacceptable delays and damage the seamless continuity of services necessary to support 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)]

On October 11, 2011 a synopsis was posted on the NASA Acquisition Internet System (NAIS) and the "FedBizOpps" Federal Business Opportunities Portal to inform the public of NASA's intent to extend contract NNA05AC42C with Integrated Science Solutions, Inc. in order to continue

performance. 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's signature on this document determines that the anticipated cost to the Government will be fair and reasonable. 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 contract value increase 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)]

No market research was conducted, but a synopsis was posted in NAIS and FebBizOpps as stated in paragraph E above and no interested parties responded. Although there is a possibility that there may be other sources capable of providing these services for a maximum ten month period, procurement activity for the follow-on contract has been initiated and market research performed. Award to another source at the same time the re-compete is in process would result in substantial duplication of costs and unacceptable delays in fulfilling the Government's highly specialized requirements for mission critical environmental contract services.

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

The Office of the Environmental Services Division, has determined that Integrated Science Solutions, Inc. is highly qualified to continue maximum performance of the environmental contract at NASA Ames Research Center through a maximum of August 2012, pending award of a follow-on contract for the required SEMSS services. The Contractor provides support to various directorates at the Center. Task performance—in terms of safety, milestones, scheduled metrics, and deliverables—is well organized, prioritized, and safely completed on time and within budget. The Contractor has received semi-annual "Excellent" ratings since the contract award date of February 4, 2005 through March 3, 2011. Extension of the contract will minimize risk to mission cost, schedule, and performance from non-compliance (e.g. fines and delays) and facilitate a smooth transition of contractor functions and equipment.

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

No other sources responded to the Sources Sought notice.

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)]

Since previous competition for the Environmental Services Contract was adequate, there are no actions the agency needs to remove or overcome any barriers to competition before any

subsequent acquisition for the services are required. The follow on requirement is being competed as a small business set aside.

For the foregoing reasons, to prevent substantial duplication of costs and unacceptable delays in fulfilling the Agency's highly specialized requirements for mission critical environmental contract services, and pursuant to FAR 6.302-1(a) (2) (iii), Integrated Science Solutions, Inc. is the only responsible source to support the requirements of the Environmental Services contract.