

**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(b)(1)]

**Summary Information:**

Initiating Office: NASA Ames Research Center  
Procurement Division (Code JAC)

Purchase Request No.: 4200424983

Procurement Title: Ames Research Center Logistics Management Services

Total Estimated Value: FOIA Ex. 5

Period of Performance: February 29, 2012 through January 31, 2013

Statutory Authority: 10 USC 2304(c)(1), *Only One Responsible Source and No Other  
[FAR 6.303-2(b)(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(b)(2)]

NASA Ames Research Center (ARC) proposes to negotiate a sole source contract extension to contract NNA09DB40C with Tessada & Associates, Inc., on a Firm-Fixed Price (FFP) type contract, to continue logistics services at ARC pending placement of a follow-on contract for the required support under an ongoing competitive acquisition. This Justification for Other than Full and Open Competition (JOFOC) provides for the contract extension and will cover a performance period of up to eleven (11) months. The total maximum contract performance period with this extension will be three years and nine months. This extension will consist of a five (5) month base period plus six (6) one-month option periods. The performance period to be covered by this action will begin on February 29, 2012 with a potential end date of January 31, 2013.

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 completion date of January 31, 2010 (after exercise of all options). This contract was awarded to provide continuous services following the end of the previous contract, NNA04CI13C, and the beginning of the follow-on contract.

In 2008, efforts for re-competition of NNA04C113C began. Revisions to the business model utilized during acquisition strategy delayed issuance of the solicitation until February 22, 2010. This delay prompted a JOFOC which was approved on January 27, 2010, and authorized the extension of the contract's performance through June 30, 2010.

In June 2010, ARC issued a second contract extension, extending the contract performance from June 30, 2010 to November 30, 2010, including options. The basis for the second contract extension was to provide continuous logistics services while evaluations, contract award, and phase-in/phase-out on the follow-on acquisition were completed. At the time, it was anticipated that contract performance for the follow-on would begin on 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 to February 28, 2011. A delay due to a procurement integrity issue caused the procurement process to be put on hold until an investigation could be completed.

By January 2011, ARC again revised the anticipated award date of the follow-on contract to March 31, 2011. ARC issued a fourth contract extension on February 28, 2011, extending the period of performance of the contract from February 28, 2011 to May 31, 2011. The ongoing investigation into procurement integrity issue caused the procurement to remain on hold. The investigation was completed in September 2011, and a decision was made to redo part of the procurement.

By April 2011, ARC again revised the anticipated award date for the follow-on contract to January 2012. A fifth contract extension was issued on May 31, 2011, extending the period of performance from June 1, 2011 through February 28, 2012. All option periods for this extension were exercised and an award of the follow-on contract has not yet been made. The procurement has again been delayed due to the needed (1) replacement of Source Evaluation Committee (SEC) members, (2) resubmission of proposals by Offerors, and (3) evaluation of those proposals.

The estimated award date for the follow-on contract is June 29, 2012. The proposed extension period, though January 31, 2013, is structured to provide uninterrupted logistics management services until an award is made and will include option periods that will provide ARC the flexibility of awarding the follow-on contract when specifically needed.

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

Extension of this contract is required to continue critical logistics support services for ARC, which include, but are not limited to: supply and warehouse management; disposal and equipment management; mail services; shipping and receiving services; fleet management; refuse services; janitorial services; industrial property management; and NASA Ames Conference Center event management. In addition, 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. NASA ARC intends to host the 2012 NASA Lunar Science

Forum in July 2012, at the NASA Ames Conference Center (NACC), which will require the ongoing logistics support that is provided under the Indefinite Delivery/Indefinite Quantity (IDIQ) contract line item of contract NNA09DB40C. Without that support, 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 11 month contract extension is FOIA Ex. 5, based on the Government's Independent Cost Estimate. The Independent Cost Estimate was based on historical fixed cost and pricing data, as well as a technical review of the of labor and materials anticipated to be necessary for continued performance of current and anticipated tasks for the remaining period of performance. The logistics contract includes a Department of Labor Wage Determination and Collective Bargaining Agreements between Tessada & Associates, Inc. and Service Employees International Union Local 1877; Tessada & Associates, Inc. and Peninsula Automotive Machinist Local 1414. This extension will require an increase in contract value by FOIA Ex. 5, from FOIA Ex. 5 to FOIA Ex. 5.

**C. An identification of the statutory authority permitting other than full and open competition.** [FAR 6.303-2(b)(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(b)(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, maximum eleven (11)-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 2012, 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, then through February 28, 2011, again through May 31, 2011, and most recently through February 28, 2012, as a result of changes to the procurement schedule, caused by the investigation and resolution of a procurement integrity issue. This delay creates another gap in service that ARC proposes to close by extending again 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 would adversely affect project schedules supporting ongoing and future NASA missions.

There is no reasonable alternative to modifying the existing bridge contract. A separate competition and award to another contractor, covering this temporary, maximum eleven (11)-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 June 29, 2012,, slightly more than only four (4) months from now. The result of a separate competition and award for this remaining, relatively short period of time 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 eleven (11) 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(b)(6)]

A synopsis was posted on the NASA Acquisition Internet System (NAIS) and the "FedBizOpps" Federal Business Opportunities Portal on January 10, 2012, to inform the public of NASA's intent to extend the contract (NNA09DB40C) with Tessada in order to continue performance through January 31, 2013. The synopsis provided instructions for interested organizations to submit capabilities and qualifications to perform the effort to the Contracting Officer. One capability statement was received in response to the synopsis; however, the company was determined to be not capable to perform this requirement, based upon the Government's review of that capability statement.

**F. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.** [FAR 6.303-2(b)(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(b)(8)]

Prior to the award of the 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 December 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 was posted on the NASA Acquisition Internet Service (NAIS) and the "FedBizOpps" Federal Business Opportunities Portal to determine whether other companies were interested in and capable of providing these services for an eleven-month period. (See section E.) The synopsis requested capabilities/qualifications statements from interested parties. The Contract Specialist received one capability statement in response to the synopsis; however, the company was determined to be not capable to perform this requirement, based upon the Government's review of that capability statement.

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

The Logistics and Documentation Division has determined that Tessada is highly qualified to perform the proposed extension at NASA Ames Research Center through a potential maximum end date of January 31, 2013, 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(b)(10)]

The Contract Specialist received a capability statement from Scientific and Commercial Systems Corporation in response to the synopsis; however, that company was determined to be not capable to perform this requirement, based upon the Government's review of that capability statement.

**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(b)(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

2/21/12  
Date

**Contracting Officer:**

*Jill Willard*  
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(b)(12)]

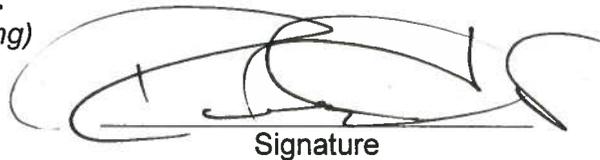
  
Signature

2/21/12  
Date

**CONCURRENCE:**

**Directorate Manager:**

*Robert J. Dolci (Acting)*  
Director of Center  
Operations

  
Signature

2/22/12  
Date

**Procurement Officer:**

*Kelly G. Kaplan*

  
Signature

2/22/2012  
Date

**APPROVAL:**

**Center Competition  
Advocate:**

*Deborah L. Feng*  
ARC Deputy Director  
(Acting)

  
Signature

2.23.12  
Signature

cc (after approval):  
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