

**National Aeronautics and Space Administration
Ames Research Center
Moffett Field, California 94035-0001**

Justification for Other Than Full and Open Competition

Summary Information:

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

Purchase Request No.: 4200417905

Procurement Title: Fire Prevention Services

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

Period of Performance: January 1, 2012 - March 31, 2012

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(b)(2)]

NASA Ames Research Center (ARC) proposes to negotiate two (2) sole-source contract modifications to contract NNA06CD65C (the Contract) with Wackenhut Services, Inc. (Wackenhut), on a cost-plus-award fee basis, to continue to provide critical fire prevention services at ARC. These modifications are required to extend the Contract pending completion of the procurement process for the follow-on contract, which is a consolidation of ARC's fire prevention and protective services requirements. This JOFOC provides for the first contract modification and will cover a performance period of three (3) months, making total performance period of the extended contract five years and eight months (August 1, 2006, through March 31, 2012).

This 3-month extension is authorized by NASA Procurement Information Circular (PIC) 11-08, issued by the Assistant Administrator for Procurement on October 25, 2011. This PIC allows NASA centers to extend existing contracts through March 31, 2012 when, “the follow-on requirements requires compliance with PIC 11-05.” PIC 11-05 discusses the fiscal constraints for severable contracts. Since the follow-on contract for fire prevention and protective services is a severable contract, with the approval of the ARC Procurement Officer, the Contract may be extended until March 31, 2012.

PIC 11-08 also states that extensions beyond March 31, 2012 must be supported by additional rationale and approved under an individual deviation by the Assistant Administrator for

Procurement. ARC has requested an individual deviation and will work with NASA Headquarters to obtain approval to further extend the Contract. A second JOFOC and contract modification (as necessary) will be prepared to allow for the completion of the procurement process for the fire prevention and protective services follow-on contract and the required sixty (60)-day phase in period.

As a result of a NASA Headquarters decision to consolidate the contract for the agency's fire services, security services, emergency management support, export control, protective service training, protective service information assurance and information technology security, NASA entered into the NASA Protective Services Contract (NPSC) with Coastal International Security Inc. ARC expected to obtain critical fire prevention services through the NPSC upon the expiration of the Contract. The NPSC, however, was subsequently terminated for convenience after a series of protests. The NASA Associate Administrator for the Mission Support Directorate issued a letter (dated September 15, 2010) to advise the centers of this decision. The letter stated NASA Headquarters' intent to provide the centers with the authority to extend the current fire prevention contracts until individual center follow-on contracts can be put into place. It also stated that the NASA Headquarters Office of Protective Services and Office of Procurement will take an active role in the acquisition planning as the centers proceeded with the individual follow-on contracts.

This change in acquisition strategy required extensive coordination and discussion between the ARC and Headquarters Protective Services and Procurement Offices regarding market research, procurement strategy, review and approval of the Statement of Work and all procurement actions. There were delays in the coordination of teleconferences between ARC and NASA Headquarters due to the availability of personnel. Additionally, due to an increased procurement workload the ARC Contracting Specialist (CS) was replaced and the new CS required additional time to become familiar with the procurement requirements. After a series of delays, ARC's procurement strategy and SOW have been finalized and ARC will require adequate time to complete the procurement process for the fire prevention and protective services follow-on contract.

This action for a 3-month extension to the Contract allows ARC to continue follow-on procurement activities and obtain an individual deviation to further extend the Contract pursuant to PIC 11-08.

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

Extension of the Contract is required to continue the existing, critical comprehensive fire prevention support services for ARC. The contractor provides fire prevention services to NASA ARC facilities, the NASA Research Park (NRP), the University Affiliated Research Center (UARC), Moffett Federal Airfield and Moffett Community Housing (Orion Park Community). These emergency response technical and support services include, but are not limited to: control and extinguishment of hostile fire involving buildings, structures, vehicles, transportation equipment, vegetation, refuse, and miscellaneous properties; aircraft rescue fire-fighting; technical rescue; emergency medical services; hazardous material response, fire prevention and code enforcement; fire investigation; fire-rescue automatic and mutual aid; resource management; emergency apparatus/vehicle maintenance and repair; training and education; fire/life safety public education/awareness and community relations; contract management and administrative services; management of records; emergency management/disaster preparedness.

The estimated value of the services for this 3-month contract extension 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 fire prevention contract includes Collective Bargaining Agreements Between Wackenhut and The Moffett Field Firefighters Association IAFF Local 179 at NASA/Ames Research Center (effective August 1, 2010, through July 31, 2013).

The procurement process for the follow-on contract has been initiated concurrent with this 3-month extension period. The current milestone plan for evaluation and award of the combined fire prevention/protective services contract anticipates award of the combined fire prevention/protective services contract in the early part of August, 2012. The 3-month extension, together with the anticipated authority to further extend the performance period for an additional six(6)-month period will allow for the completion of the procurement process for the follow-on contract, any potential protest, and a 60-day phase in. Because the combined fire prevention/protective services contract is a severable contract utilizing annual Cross Agency Support (CAS) funding appropriations, the base performance period of the follow-on contract will likely begin on October 1, 2012, the beginning of the Government fiscal year.

C. An identification of the statutory authority permitting other than full and open competition. [FAR 6.303-2(b)(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(b)(5)]

In accordance with FAR 6.302-1(a)(2), when services required by NASA are available from only one or a limited number of responsible sources, and no other type of supplies or services will satisfy agency requirements, full and open competition need not be provided for. Such 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 unacceptable delays in fulfilling the agency’s requirements (FAR 6.302-1(a)(2)(iii)(B)).

A 3-month extension to this Contract is a “follow on” necessary to provide fire prevention and protection services which consist of the emergency response, technical, and support services provided by a fire department or fire service provider including labor, supervision, equipment, materials, transportation and management. Many of the facilities at ARC are unique facilities and are critical to ARC’s and NASA’s missions. These include facilities such as wind tunnels, flight simulators, research laboratories and arc jets. Additionally ARC buildings, inclusive of the heating and electrical sources used to maintain them, are around fifty years old. During the course of the Contract, Wackenhut has acquired expert knowledge of ARC’s unique and aging facilities.

ARC is unable to compete the requirement for the 3-month extension at this time and requires that Wackenhut continue to provide fire prevention and protection services for ARC facilities. A gap in the provision of fire protection and prevention services is unacceptable. A delay in response to a fire-related incident or inadequate fire prevention services could potentially result

in loss of life, injury to personnel and destruction of facilities. Extension of the Contract for obtaining these critical services is necessary to avoid the risk of compromising the safety of the staff and/or the destruction of the facilities. Award to another source at the same time the recompetes is in process would result in unacceptable delays in fulfilling the Government's requirements.

During the five-year performance period and current five-month extension, the contractor has provided around-the-clock fire prevention service coverage and has continually received an "Excellent" award fee rating for their performance of these highly specialized Firefighter/EMT services. Additionally, contractors have received the following specialized training:

- Accredited fire department training programs that meet the requirements of NFPA 1001, 1002, 1410, 1403, 1404, 1006, 1670, 1500, 472, Specific State Training Requirements and OSHA.
- Practical testing using NFPA 1410 evolutions.
- Confined space rescue training that meets the OSHA requirements.
- Hazardous Materials operations, technical and specialist level training that meets NFPA 472, OSHA 1910.120 and Specific State requirements, as well as facility and customer mission specific needs.
- Fire prevention and Code enforcement training.

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 Service (NAIS) and the "FedBizOpps" Federal Business Opportunities Portal on November 30, 2011, for nine (9) calendar days to inform the public of NASA's intent to extend the AFPSC with Wackenhut for a three-month performance period. The deadline to respond to the synopsis was December 9, 2011. The synopsis provided instructions for interested organizations to submit capabilities and qualifications to perform the effort to the Contracting Officer.

No sources have expressed an interest in providing fire prevention services to ARC for this 3-month period.

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 the anticipated cost to the Government will be fair and reasonable (see certification on page 6). Prior to this extension to the fire prevention services contract, 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(b)(8)]

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 a three-month period. (See section E.) The synopsis requested capabilities/qualifications statements from interested parties; no such statements were received before the prescribed deadline.

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

Wackenhut is highly qualified to continue performance of the fire prevention services at ARC through March 31, 2012. Overall contract performance—in terms of safety and response time—is well-organized, prioritized and completed on time and within budget. Wackenhut has maintained an excellent performance rating on the fire prevention contract.

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

No sources have expressed an interest in providing fire prevention services for the 3-month period.

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(b)(11)]

The current proposed contract modification for a 3-month extension and a subsequent 6-month extension, are required to obtain continued fire prevention and fire protection services pending completion of the follow-on procurement. The follow-on procurement will be competed consistent with procurement policies and regulations. 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, Wackenhut is the only responsible source to support the requirement for essential fire prevention services at ARC through March 31, 2012.

Signature Page

Requirement Initiator:

Lynn Bala
Alternate Contracting
Officer's Technical
Technical Representative

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


Signature

12/19/11
Date

Contracting Officer:

Norman P. Julian

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

12/21/11
Date

CONCURRENCE:

Directorate Manager:

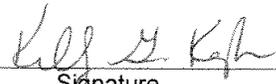
Robert J. Dolci
(Acting) Director of Center
Operations


Signature

12/21/11
Date

Procurement Officer

Kelly G. Kaplan


Signature

12/21/11
Date

APPROVAL:

Center Competition

Advocate:

Deborah L. Feng
(Acting)ARC Deputy Center
Director


Signature

12/21/11
Date

cc (after approval):
JAB/241-1

