NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
JOHN C. STENNIS SPACE CENTER
STENNIS SPACE CENTER, MS 39529-6000

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION PURSUANT TO 10 U.S.C. 2304 (C) (1)

1.0 AGENCY/CONTRACTING ACTIVITY

National Aeronautics and Space Administration (NASA), John C. Stennis Space Center (SSC), Stennis Space Center, Mississippi.

2.0 DESCRIPTION OF THE ACTION BEING APPROVED

The action being requested for approval is a sole-source modification to the SSC Facility Operating Services Contract (FOSC) Contract # NNS07AB21C with Jacobs Technology Inc. (JTI). The modification will be for FOSC to continue providing facility operating services to Area 9 at SSC for the period of August 28, 2012 to August 27, 2017. The period of performance includes potential award terms (years) which are dependent on contract performance.

3.0 DESCRIPTION OF SERVICES

This action provides for the modification of the current FOSC with JTI to include the extension of FOSC services to Area 9. FOSC services at Area 9 include but are not limited to:

1. Management, labor, facilities, materials, and equipment necessary to provide facility operations and maintenance to NASA and its resident agencies located in the Area 9 complex. Such services include, but are not limited to: engineering, institutional, facility maintenance, operations, safety, mission assurance, environmental, occupational health, logistics, and administrative services. This includes a full range of management duties, including project management, configuration management, planning, scheduling, work control, report generating, safety and quality control.
2. Resolution of unusual and emergency situations, such as: hurricane preparation and recovery support; fire fighting support; and recovery from tornadoes/natural disasters, any one of which may occur from time to time throughout the period of performance.

The estimated value of this five (5) year period which includes potential award terms, from August 28, 2012 to August 27, 2017, to the existing JTI contract (NNS07AB21C) is approximately $23,000,000.

4.0 STATUTORY AUTHORITY

This recommendation is made pursuant to FAR 6.302-1, which implements the statutory authority at 10 U.S.C. 2304(c) (1) for the acquisition of services available from only one or a limited number of sources.

5.0 NATURE OF THE ACTION THAT REQUIRES USE OF THE AUTHORITY CITED

The original FOSC was awarded from a full and open competition in 2007. The base contract was for 3 years with the potential for 7 additional award terms; the FOSC is currently in Award Term 2, Contract Year 5.

Area 9, formerly known as the Mississippi Army Ammunition plant (MSAAP), was built by the U.S. Army on 4400 acres of land located within the northern half of the NASA SSC Fee Area. Use of the NASA land for the MSAAP was permitted to the Army in 1977 for a period of 50 years. The facility, encompassing over 60 buildings and ~1,600,000 ft^2 of floor space, was completed in 1984 and remained in production until 1990. From 1992 until July of 2011, the facility was managed by the Army as part of the Armament Retooling and Manufacturing Support (ARMS) program, under which the Army contracted with a facility management agent to lease space in the facility to tenants.

In 2005, the MSAAP was placed on the Base Realignment and Closure (BRAC) list as a DOD facility to be closed within the 6-year window stipulated by the BRAC 2005 legislation. The Army achieved the BRAC closure milestone on July 29, 2009 by transferring the facility from the Joint Munitions Command to the Installation Management Command (IMCOM) that would oversee the property until disposal was completed. Neither the BRAC status of MSAAP nor the transfer to IMCOM affected the continued tenant hosting operations of the facility management agent.

Shortly after the MSAAP designation on the BRAC 2005 list, NASA SSC began to study the impact of the BRAC closure to NASA, as the recommended disposal plan called for a reversion of the Use Permit for the facility and subsequent return of the land and facility to NASA. NASA SSC's MSAAP transition planning culminated in a Transfer Plan published in June of 2010 that recommended a transfer date for MSAAP to NASA no earlier than December 31, 2011.

In the fall of 2010, the Facilities Engineering and Real Property (FERP) organization at NASA HQ entered into negotiations with the Army for the transfer of the MSAAP property from the Army to NASA. An *Agreement to Terminate Permit No. DACA01-4-78-673* was executed by the parties on November 8, 2010 which stipulated that the permit covering the Army's use of the 4400 acres of NASA SSC Fee Area that comprise the MSAAP would terminate on June 30, 2011, at which time the entire MSAAP facility would belong to NASA. As part of the terms of this Agreement, NASA agreed to honor all tenant agreements currently in place with ARMS facility use tenants. The MSAAP is currently known as Area 9 and is home to 11 separate tenants occupying more than 900,000 ft^2. Tenants include government agencies, NASA contractors, and commercial firms that encompass diverse operations such as warehousing, light manufacturing, administrative, and secure computer facilities.

In June 2011, in an effort to meet the requirements of the MSAAP agreement and maintain continuity of facility operating services to the tenants of MSAAP (Area 9), NASA SSC authorized a procurement action to modify the existing FOSC with JTI adding the requirement to extend facility operating services to the tenants in this area for the period of 14 months which aligned with the current period of performance at the time (i.e. July 1, 2011 through August 27, 2012).

NASA has a need to continue providing uninterrupted facility operating services to the tenants in Area 9 and it has been determined to be in the best interest of the government to modify NASA/SSC's existing FOSC with JTI to continue providing these services for the duration of the current contract.

The most efficient and economical way to continue providing facility operating services to Area 9 is to utilize the existing FOSC as:

- Some services in Area 9 are highly specialized and 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 and cause unacceptable delays in fulfilling the agency's requirements. NASA would have to maintain two government interfaces with two separate management teams, separate and distinct contractor procedures, financial systems, emergency response functions, etc. This significant duplication would be more costly, complex to manage, and could hinder the continuity of operations for NASA and their tenants. Furthermore, NASA's budget for Stennis' management and operations costs, current and projected, is not being increased; therefore, there are no programmed funds for an additional contractor's start up costs and duplicate contractual efforts.
- It is anticipated that at a minimum, 1 Financial Full Time Equivalent (FTE), 1 Procurement FTE and 2.5 Center Operations FTEs would be needed in order to administer a new contract for Area 9 services. The cost for the additional government personnel alone would be an additional $2.5M over the remaining five years. Efficiency of operations, costs and standardization require one base facility operating services contractor;
- The services that FOSC provides in Area 9 continue to be needed to support the tenants located there which include NASA mission support and other federal government agencies. No other offeror can immediately perform the services provided by JTI without incurring substantial startup costs and causing unacceptable delay. Any delay would result in significant mission impairment to NASA, other federal agencies, and a number of commercial companies located in Area 9;
- Services required for facility operations in Area 9 are included in the current contractual documents between NASA and JTI.

6.0 SOLICITATION EFFORTS

Efforts were made by synopsizing a notice to the public as required by FAR Subpart 5.2. This synopsis was made to ensure that potential offerors were aware of the requirement and it provided an opportunity to submit capabilities and qualification statements as required by the synopsis.

7.0 COST CERTIFICATION

The contractor will be requested to provide a proposal for the modification covering the period from August 28, 2012 to August 27, 2017. The request for proposal will require certified cost and pricing data for evaluation by the government. Beyond the proposal being adequate it will be required to comply with FAR 15.406 and 15.408. The certified cost and pricing data will be examined to determine if it is current, accurate, and complete and that the costs are fair and reasonable to the government using cost/price analysis techniques and audits.

8.0 MARKET SURVEY

An announcement was published in the NAIS and FedBizOpps on March 6, 2012 (with a response due date of March 21, 2012) expressing the government's intent to award the facility operating services for Area 9 on a sole source basis to the SSC FOSC with JTI. The announcement further stated that all responsible sources may submit a capability statement, which shall be considered by the Agency.

This announcement was further extended to April 13, 2012 offering industry a longer period of time to review the government's intent. The announcement also amended the scope of services needed to provide a better depiction of the requirement.

9.0 OTHER SUPPORTING FACTS

Services provided to tenants in Area 9 currently differ from one tenant to another. Many of the tenants continue to receive services equivalent to that which existed when the facilities belonged to the Army. When the MSAAP facilities transferred from the Army to NASA in July of 2011, it was NASA's intent to migrate each tenant's services to the Shared Service Pool, whereby each tenant would receive the standard range of services equivalent to that of the other resident agencies residing at SSC. With Area 9 tenants still transitioning to the Shared Pool Service, and with an uncertain timeline for transitioning, NASA could not develop detailed specifications/statements of work in a timely manner to support a competitive procurement. The expertise and resources that are in place to currently manage the area are of extreme value to the Government and a duplication of resources would be excessive to get the same quality of work that is being provided at this time.

10.0 SOURCES EXPRESSING AN INTEREST IN THIS PROCUREMENT

In response to NASA Solicitation Number NNS07AB21C-4, one (1) small disadvantaged, 8a company submitted their capabilities and qualifications statement on March 20, 2012. The capabilities statement was reviewed by the COTR and determined that their submission did not provide adequate demonstration of their ability to perform the requirement. The company demonstrated capabilities in construction, drafting, custodial, maintenance of residential type systems, small scale environmental services, logistics, administrative type work, project management, configuration management quality assurance and work control. The company did not demonstrate capabilities in

design, mail services, maintenance capabilities of large utility systems, safety Program, treatment of any sanitary sewage facilities, nor an effective Occupational Health to include Industrial Hygiene and Health Physics.

The requirements agency inquired as to extending the close date of the announcement for further review of market for this requirement. On March 29, 2012, the decision was made to extend the response due date from March 21, 2012 to April 13, 2012. On April 13, 2012, two (2) more responses were received from large businesses. The evaluation determined that both companies demonstrated a broad range of maintenance and operation capabilities in similar size and scope necessary to perform services at SSC in Area 9.

Although 2 out of the 3 companies demonstrated capabilities to perform the duties necessary in Area 9, it is important to note that the utilization of any other contractor outside of the existing SSC FOSC would result in inefficient and costly duplication of services and costs as NASA would have to maintain two government interfaces with two separate management teams, separate and distinct contractor facility operating procedures, financial systems, emergency response functions, etc. This significant duplication would be very costly to the government.

11.0 AGENCY ACTIONS TO REMOVE BARRIERS

This requirement is being incorporated into a contract that was competed as a full and open requirement which met the requirements of FAR part 6. Barriers to competition in future procurements for services upon termination of the FOSC will not exist. Processes and procedures were thoroughly considered in order to attempt competition for this action but the review did not result in a positive outcome to allow this action to be competitive.

12.0 TECHNICAL REPRESENTATIVE CERTIFICATION

I do hereby certify that the support data under my cognizance that are included in this justification are accurate and complete to the best of my knowledge and belief. In addition, I certify that the anticipated price to the Government will be thoroughly evaluated to ensure that it is fair and reasonable prior to award.

Mary R. Byrd
Contracting Officer's Technical Representative

May 16, 2012
Date

13.0 APPROVE/DISAPPROVE:

I certify that this justification for other than full and open competition is accurate and complete to the best of my knowledge and belief. I further certify that the anticipated cost to the Government will be determined fair and reasonable prior to award.

SUBMITTED BY: Beth L. Bradley 5-16-12

Beth L. Bradley — Date
Contracting Officer and Division Chief/DA20

CONCURRENCE: 5/17/12

Robert S. Harris — Date
Procurement Officer/DA00

CONCURRENCE: 5-22-12

Dr. Richard J. Gilbrech — Date
Center Competition Advocate/AA00

APPROVAL: 5/31/12

Patrick E. Scheuermann — Date
Center Director/AA00