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.:	4200426835
Procurement Title:	Protective Services
Total Estimated Value:	"FOIA EX.5"
Total Estimated Value:	Period of Performance: April 1, 2012 through March 31, 2013
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 the second of two (2) sole-source contract modifications to Contract NNA04CI14T with SECTEK, Inc. The first contract modification was executed on December 21, 2011, based on the approval of a JOFOC dated December 21, 2011 and extended the Ames Protective Services Contract (APSC) for a performance period of three (3) months.

ARC proposes to negotiate this extension with SECTEK, Inc., on a firm fixed-price basis, to continue to provide critical security and law enforcement services in support of the ARC Protective Services Office. This modification to the Ames Protective Services Contract (APSC) is required to extend the contract pending completion of the procurement process for the follow-on contract. This JOFOC provides for the second contract extension modification and will cover a performance period of twelve (12) months consisting of a seven(7)-month base period (04/01/2012-10/31/2012), a sixty(60)-day phase-in/phase-out period (11/01/2012-12/31/2012), and three(3) one-month option periods (1/01/2013-01/31/2013, 02/01/2013-02/28/2013 and 03/01/2013-03/31/2013). The current performance period of the contract, inclusive of all extensions, is seven (7) years and ten(10) months (06/01/2004-03/31/2012). The performance period of the contract, inclusive of the twelve-month extension if all options are exercised, will be eight years (8) and ten (10) months (06/01/2004-03/31/2013). SECTEK, Inc. is a large business.

Procurement Information Circular (PIC) 11-08, issued by the Assistant Administrator for Procurement on October 25, 2011, allowed 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 combining the fire prevention and protective services is a severable contract, the first contract extension was approved by the ARC Procurement Officer consistent with the authority provided under PIC 11-05.

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 requested an individual deviation and received approval on March 26, 2012 to further extend the APSC through March 31, 2013. This second JOFOC and contract extension modification allows for the completion of the recompete procurement process for the fire prevention and protective services follow-on contract and the required sixty (60)-day phase-in/phase-out 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 support for critical security and law enforcement services through the NPSC upon the expiration of the APSC. 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 protective services 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 (SOW) 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 has finalized its procurement strategy and draft Request for Proposals (RFP), however, ARC will require additional time to complete the procurement process for the fire prevention and protective services follow-on contract and obtain Fiscal Year 2013 phase-in funding for the consolidated follow-on contract. The follow-on contract is a consolidation of ARC's fire prevention and protective services requirements. The current milestone plan for evaluation and award of the combined fire prevention/protective services contract anticipates award on November 1, 2012. The anticipated authority to issue a modification further extending the performance period of the current contract for an additional twelve (12)-month period will allow for completion of the procurement process for the follow-on contract, any potential protest, and a sixty (60)-day phase-in/phase-out period.

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)]

This "follow on" extension of the APSC will allow for continued performance of the existing critical, comprehensive security and law enforcement services in support of ARC's Protective Services Office. Major areas of work include security (security and law enforcement officers), personnel security, emergency response, risk assessment, vulnerability analyses, innovative and strategic recommendations for security enhancements and upgrades, international visitor requests, infrastructure security and badging operations, counterintelligence services and associated record-keeping functions. Additional services include staffing a 24/7 security operation daily and providing increased security during emergency or disaster periods. These services are critical to the day-to-day operation of ARC and cannot be allowed to lapse.

The estimated value of the services for this twelve(12)-month contract extension is "FOIA EX.5". The 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 APSC includes Collective Bargaining Agreements between SECTEK, Inc., and United States Government Security Officers of America (UGSOA) Local 403 (effective September 1, 2010, through February 28, 2012) and SECTEK, Inc., and Northern California Carpenters Regional Council, Carpenters Forty-Six Counties Conference Board and their Affiliated Local Unions (effective November 1, 2010, through October 31, 2012). A Letter of Understanding Between SECTEK INC/UGSOA, Affiliated Local #403 dated February 28, 2012 extends the CBA/Letter of Understanding dated September 21, 2010 through February 28, 2012 to February 28, 2012 through February 28, 2013.

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 twelve (12)-month extension to the APSC is a "follow on" necessary to provide comprehensive security and law enforcement services in support of NASA's missions and for the safety and security of ARC personnel and facilities. SECTEK is highly qualified to continue performance of this contract at NASA ARC through March 31, 2013. Technical contract staff members have obtained specialized qualifications, credentials, training and instruction necessary to provide security and law enforcement services at ARC including NASA- specific

training available through the NASA Protective Services Academy. Over the course of the term of the contract, SECTEK has acquired expert knowledge of ARC facilities and programs to support safety and security operations at ARC. SECTEK is familiar with NASA and ARC security, law enforcement and center protection policies and maintains a Top Secret Facility Clearance.

ARC is not able to compete a separate procurement for the twelve (12)-month extension to the current protective services contract concurrent with the procurement process for the recomplete of the fire prevention and protective services contract and requires that SECTEK continue to provide security and law enforcement services for ARC. Extending the APSC is necessary to avoid disruption to security operations, pending completion of the competitive follow-on action. Award to another source at this time would disrupt security operations at ARC and would result in unacceptable delays in fulfilling the Government's requirements. A gap in the provision of security and law enforcement services or a delay in response to a security or safety related incident at ARC could result in personnel injury and/or destruction of facilities.

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(b)(6)]

A synopsis was posted on the NASA Acquisition Internet Services (NAIS) and the "FedBizOpps" Federal Business Opportunities Portal on February 27, 2012 for seven (7) calendar days to inform the public of NASA's intent to extend the APSC with SECTEK, for a potential nine(9)-month period. The response date to the synopsis was March 7, 2012. The synopsis provided instructions for interested organizations to submit capabilities and qualifications to perform the effort to the Contracting Officer. An amendment to the synopsis, dated February 27, 2012, was posted on the NASA Acquisition Internet Service (NAIS) and the "FedBizOpps" Federal Business Opportunities Portal on March 9, 2012 advising all interested parties that the performance period of the extension was changed from nine (9) to twelve (12) months. The prescribed deadline to the amendment was March 14, 2012.

No capability and qualification statements were received in response to the synopsis or the amendment 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(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 APSC, 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.

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 nine (9)-month period. The nine (9)-month performance period was changed to a twelve (12)-month performance period and an

amendment to the synopsis stating this change was posted on the NASA Acquisition Internet Service (NAIS) and the "FedBizOpps" Federal Business Opportunities Portal on March 9, 2012. (See Section E.)

The synopsis requested capabilities/qualifications statements from interested parties; no such statements were received from the synopsis or the amendment before the prescribed deadline. No other market research was conducted.

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

SECTEK is highly qualified to continue performance of the APSC at ARC through March 31, 2013 pending award of the follow-on combined protective and fire prevention services contract. Overall contract performance—in terms of safety, milestones, scheduled metrics and deliverables—is well-organized, prioritized and safely completed on time and within budget. SECTEK has maintained a very good/excellent performance rating during the current term of the APSC.

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 protective services to ARC for either the nine (9) or twelve (12)-month performance 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 extension modification for a twelve (12)-month extension is required to obtain security and law enforcement services pending completion of the follow-on procurement. The follow-on procurement will be competed consistent with procurement policies and regulations for a small business set aside and will not require a justification for other than full and open competition. Therefore, there are no actions the agency needs to take to remove or overcome any "barriers to competition" before subsequent acquisition of these supplies and services.

For the foregoing reasons, SECTEK is the only responsible source to support the requirement for essential security and law enforcement services at ARC through March 31, 2013.

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Signature Page

Requirement Initiator:
Kenneth M. Silverman
Contracting Officer's Technical Technical Representative

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

Kenneth M. Silverman 2/27/2012
Signature Date

Contracting Officer:
Jill Willard

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)]

Jill Willard Mar 30, 2012
Signature Date

CONCURRENCE:

Directorate Manager:
(Acting) Director of Center Operations

Signature 3/30/12
Date

for **Procurement Officer**
Kelly G. Kaplan

Signature 3/30/12
Date

APPROVAL:

Center Competition Advocate:
Lewis S. Braxton
Deputy Center Director

Signature 3/30/12
Date

cc (after approval):
JAB/241-1