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.:	4200426770
Procurement Title:	Fire Prevention Services
Total Estimated Value:	"FOIA EX.5"
Period of Performance:	April 1, 2012 – 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 NNA06CD65C with G4S Government Solutions, Inc. (G4S GS), formerly Wackenhut Services Inc. Wackenhut Services Inc. amended and restated its Articles of Incorporation filed with the State of Florida on August 16, 2011 and thereafter executed a Change of Name Agreement dated September 11, 2011 which was incorporated into the Contract under Modification 64. 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 Fire Prevention Services for a performance period of three (3) months.

ARC proposes to negotiate this extension with G4S GS on a cost-plus-award fee basis to continue to provide critical fire prevention services at ARC. This modification to the Ames Fire Prevention Services Contract 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 (01/01/13-01/31/13, 02/01/13-02/28/13, and 03/01/13-03/31/13). The current performance period of the contract, inclusive of all extensions, is five (5) years and eight (8) months (08/01/2006-03/31/2012). The performance period of the contract, inclusive of the twelve (12)-month extension, if all options are exercised, will be six (6) years and eight (8) months (08/01/2006-03/31/2013). G4S GS 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 combing 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 contract 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 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 current Fire Protection Services 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 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-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 fire prevention service contract will allow for continued performance of existing critical, comprehensive fire prevention support services for ARC. Major areas of work include fire protection and 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; and emergency management/disaster preparedness. These services are critical to the day-to-day operation of ARC and cannot be allowed to lapse.

The estimated value of these 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 fire prevention service contract includes a Collective Bargaining Agreement between the Contractor and The Moffett Field Firefighters Association IAFF Local 179 at NASA/Ames Research Center which is effective from August 1, 2010, through July 31, 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-month extension to the contract is a "follow on" necessary to provide fire prevention services in support of NASA's missions and for the safety of ARC personnel and facilities. G4S GS 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 fire prevention services at ARC as stated below:

- 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.

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 approximately fifty years old. Over the course of the term of the contract, G4S GS has acquired expert knowledge of ARC's unique and aging facilities.

ARC is not able to compete a separate procurement for the for the twelve (12)-month extension to the current fire prevention services contract concurrent with the procurement process for the recompete of the fire prevention and protective services contract and requires that G4S GS continue to provide fire prevention services for ARC facilities. Extending the fire prevention services contract is necessary to avoid disruption to the fire prevention services, pending completion of the competitive follow-on action. Award to another source at this time would disrupt the fire prevention services at ARC and would result in unacceptable delays in fulfilling the Government's requirements. A gap in the provision of fire prevention services is unacceptable or a delay in response to a fire-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 <u>FAR Subpart 5.2</u> and, if not, which exception under <u>5.202</u> 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 February 27, 2012, for nine (9) calendar days to inform the public of NASA's intent to extend the contract with G4S GS for a nine (9)-month performance period. The response date to the synopsis was March 7, 2012. The synopsis provided

instructions for all interested organizations to submit their 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 period was changed from nine(9) to twelve(12) months. The prescribed deadline to respond 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 fire prevention service 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.

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 performance period. The nine (9) month 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 in response to 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)]

G4S GS is highly qualified to continue performance of the fire prevention services 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 and response time —is well-organized, prioritized and safely completed on time and within budget. G4S GS has maintained an excellent performance rating during the current term of the Fire Prevention Services 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 has expressed an interest in providing fire prevention 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 continued fire prevention 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, G4S GS is the only responsible source to support the requirement for essential fire prevention services at ARC through March 31, 2013.

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Signature Page

Requirement Initiator:
Keith Siuda
Contracting Officer's Technical Representative

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

Signature 27 Feb 2012 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 Signature Mar 30, 2012 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
ARC Deputy Center Director

Signature 3/30/12 Date

cc (after approval):
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