

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
NASA SHARED SERVICES CENTER**

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

I recommend that the National Aeronautics and Space Administration (NASA) Shared Services Center (NSSC) negotiate with Legacy Resource Consulting Corporation to modify Contract NNA07CA02C in order to extend the existing contract period of performance through 31 July 2012 with five additional option periods to potentially extend the total period of performance until 31 December 2012.

The total estimated cost of this modification, if all options are exercised, is \$ [REDACTED]. The modification will consist of a one-month base period of performance and five one-month option periods.

This procurement will continue to provide NASA Agency-wide Contract Closeout services. This extension is necessary to provide a bridge between the current Agency-wide Closeout Contract (NNA07CA02C) expiration date of 30 June 2012 and the phase-in completion date of the new Agency-wide Contract Closeout and Procurement Support Services Contract once the current protest is resolved and a new contract is executed.

Significant market research was conducted for closeout services. On 18 May 2011 a Request For Information (RFI) was posted on NAIS and the FedBizOpps website for the Agency-wide Contract Closeout and Procurement Support Services acquisition. NASA received approximately 30 responses from industry including large and small businesses. This market research demonstrated that there was sufficient 8(a) interest to keep the follow-on contract as an 8(a) competitive procurement. In accordance with FAR 5.201, *Synopses of Proposed Contract Actions-General*, the solicitation for the follow-on contract was posted on NAIS and FedBizOpps on 18 August 2011. [REDACTED]

On 29 March 2012, in response to solicitation NNX11373093R, the NSSC made a best value award to Wichita Tribal Enterprises, LLC (WTE). On 03 April 2012, a Size Standard Protest was filed [REDACTED]

[REDACTED] NASA believes that it is prudent to maintain a vehicle to cover closeout requirements through 31 December 2012. This time frame should allow sufficient time for the appeal to be adjudicated as well as complete the 60-day phase in period of the new contract.

This recommendation is made pursuant to FAR 6.302-1, which implements the authority for 10 U.S.C. 2304(c)(1) for acquisition of supplies or services from only one source when no other supplies or services will satisfy agency requirements. Competition is impractical for the following reasons:

1. In order to maintain the current level of contract performance and continuity of services during a short transition period, it is in the best interest of NASA to award on a sole source basis. In recent years, contract closeout has become a focal point of annual financial reviews, Office of Inspector General audits, and program management reviews. As a result, expedient close out of contracts is a priority for NASA. Moreover, if there is a delay as a result of competing a new, short-term contract, NASA will be adversely impacted as excess funds on physically completed contracts may be lost.
2. Legacy Resource Consulting Corporation, the current contractor, has the required resources already in place to perform, as required, on a month-to-month basis at all NASA Centers. These services have been provided through Legacy Resource Consulting Corporation since January 2007, so the management and staff are currently performing the processes and procedures and

therefore can provide continued performance without the potential of disrupting services. The base period is one month, and a new vendor would not have adequate time to have resources in place and start performance on 01 July 2012.

3. It is not feasible or realistic to conduct a competitive acquisition to cover such a short period of time. The Government would not have adequate time to evaluate proposals and make a selection prior to 01 July 2012. Additionally, since NASA just held a competition, it would be cost-prohibitive and a substantial duplication of effort for the Government to compete this requirement again in order to put services in place for potentially only one month of services. The estimated cost of the recent competition was approximately \$[REDACTED]. This conservative estimate of the procurement SEB process is based on the actual hours spent by all SEB participants (6728 hours) multiplied by an estimated hourly rate at their respective GS grades. The estimate was also adjusted to provide for overhead and G&A. In accordance with FAR 6.303-2(b)(9)(ii), since the cost to re-compete such a short-term contract is at least \$[REDACTED] more than the Government estimate for the guaranteed base period, \$[REDACTED] it is not in the best interest of the Government to hold another competition at this time. Moreover, it is not reasonable to expect that even if this requirement were competed, any other vendors would elect to compete due to the short-term nature of the requirement. In other words, it is unlikely that an offeror would recover their bid and proposal costs, and start-up costs to make bidding on a procurement that only has a one-month guaranteed period of performance worthwhile.

Pursuant to NFS 1804.570, FAR 5.201, and FAR 6.302-1(d)(2), this proposed contract action was published on the NASA Acquisition Internet Service (NAIS) and synopsisized in the Federal Business Opportunities (FedBizOpps) on 05 June 2012 with a closing date of 20 June 2012. To date, the NSSC has received two responses:

1. [REDACTED]

2. [REDACTED]

If any additional responses to either the synopsis dated 05 June 2012 [redacted] are received, such responses will be addressed in an addendum to this document.

There are no other known actions which the agency may take to remove or overcome barriers to competition before any subsequent acquisition for the services required

For the above reasons, full and open competition is not feasible and the proposed extension to the Agency-wide Closeout contract is the only practical approach for the continuation of the required Agency-wide closeout services until such time as the Agency-wide Contract Closeout and Procurement Support Services contract is awarded.

I hereby certify the facts in this justification and any supporting data used for this justification are accurate and complete to the best of my knowledge.

 6/20/12

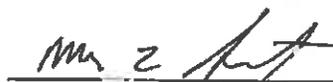
Michelle L. Berdux Date
Agency-wide Contract Closeout
Program Manager

I hereby certify that the above justification is complete and accurate to the best of my knowledge and belief and that the anticipated cost to the Government will be fair and reasonable.

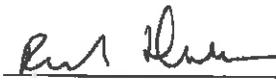
 6/20/2012

Edward V. Wallace Date
Contracting Officer

Concurrence:

 6/20/12

Michael L. Sweigart Date
Procurement Officer

Approved:  6/25/2012
Rebecca S. Dubuisson Date
NSSC Competition Advocate