

**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.: 4200468080

Procurement Title: Fire Prevention Services

Total Estimated Value: "FOIA E.5"

Period of Performance: April 1, 2013 – January 31, 2014

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 an additional sole-source Contract modification to Contract NNA06CD65C with G4S Government Solutions, Inc. (G4SGS), 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 extension 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. The second contract extension modification was executed on March 30, 2012, based on the approval of a JOFOC dated March 30, 2012, and extended the G4SGS contract for a period of twelve (12) months through March 31, 2013.

ARC proposes to negotiate this extension with G4SGS 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 third contract extension modification and will cover a performance period of ten (10) months consisting of a four (4)-month base period (04/01/2013-07/31/2013) which includes a sixty (60) day phase-in/phase-out period (06/01/2013-07/31/2013) and six (6) one-month option periods (08/01/2013-08/31/2013, 09/01/2013-09/30/2013, 10/01/13-10/31/13, 11/01/2013-11/30/2013, 12/01/2013-12/31/2013 and 01/01/2014-01/31/2014). The current performance period of the contract,

inclusive of all extensions, is six years and eight (8) months (08/01/2006-03/31/2013). The performance period of the contract, inclusive of the ten (10) month extension, if all options are exercised, will be seven (7) years and six (6) months (08/01/2006-01/31/2014). G4SGS 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 received such approval on March 26, 2012 to issue a modification extending the fire prevention services contract through March 31, 2013. ARC requested and received additional deviation approval on January 10, 2013, providing authority to issue a modification to further extend the fire prevention services contract through January 31, 2014. This third JOFOC and contract extension modification allows for the completion of the evaluation phase of the 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 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 Contract Specialist (CS) was replaced and the new CS required additional time to become familiar with the procurement requirements.

The draft Request for Proposal (RFP), issued on February 24, 2012, consolidates ARC's fire prevention and protective services requirements. Due to the complexity of the combined requirements, the draft RFP resulted in upwards of 80 questions being submitted for response

requiring a number of changes to the solicitation. These changes resulted in the Source Evaluation Board having to re-address various aspects of the solicitation (e.g., Organizational Conflict of Interest clause, sections L and M of the solicitation, and the restructuring of the contract deliverables) which impacted the award schedule. Because of the above, additional time is required to complete the procurement process for the consolidated follow-on contract.

The current milestone plan for evaluation and award of the combined fire prevention/protective services contract anticipates award on June 1, 2013. The authority approved by NASA Headquarters on January 10, 2013, to issue a modification further extending the performance period of the current contract for an additional ten (10) 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 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 Government independent cost estimate of these services for this ten (10) month contract extension is approximately "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 ten (10) 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. G4SGS 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, G4SGS has acquired expert knowledge of ARC's unique and aging facilities.

ARC is not able to compete a separate procurement for the ten (10) month requirement for the fire prevention services concurrent with the procurement process for the re-compete of the combined fire prevention and protective services contract and requires that G4SGS continue to provide fire prevention services for ARC facilities. Extending the fire prevention services contract is necessary to avoid disruption of 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 as 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 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 Services (NAIS) and the "FedBizOpps" Federal Business Opportunities Portal on February 08, 2013 for fifteen (15) calendar days to inform the public of NASA's intent to extend the APSC with G4SGS, for a potential ten (10) month period. The response date to the synopsis was February 22, 2013. The synopsis provided instructions for interested organizations to submit capabilities and qualifications to perform the effort to the Contracting Officer.

No capability and qualification statements were received in response 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. Cost and Pricing data will be requested, and a cost analysis performed to determine 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 ten (10) month period. (See Section E.)

The synopsis requested capabilities/qualifications statements from interested parties; no such statements were received from the synopsis. No other market research was conducted. (See Section E.)

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

G4SGS is highly qualified to continue performance of the fire prevention services at ARC through January 31, 2014, 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. G4SGS 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 have expressed an interest in providing fire prevention services to ARC for the ten (10) month performance period extension.

**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)]**

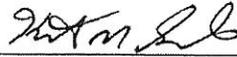
The current proposed contract extension modification for a ten (10) month extension is required to obtain continued fire prevention services pending completion of the follow-on procurement. The follow-on procurement has been competed consistent with procurement policies and regulations for a small business 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, G4SGS is the only responsible source to support the requirement for essential fire prevention services at ARC through January 31, 2014.

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

5 March 2013

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)]



Signature

3/15/13

Date

**CONCURRENCE:**

**Acting Directorate  
Manager:**  
*James D. Alwyn*  
Acting Director of Center  
Operations



Signature

3-25-13

Date

**Procurement Officer**  
*Kelly G. Kaplan*



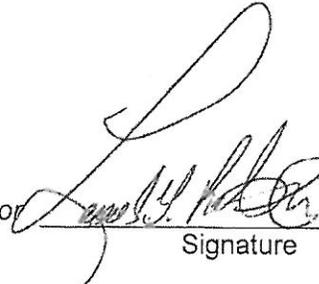
Signature

3/25/13

Date

**APPROVAL:**

**Center Competition  
Advocate:**  
*Lewis S. Braxton*  
ARC Deputy Center Director



Signature

3/29/2013

Date

cc (after approval):  
JAB/241-1