

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (JOFOC)

- 1. This document is a justification for other than full and open competition prepared by the NASA Dryden Flight Research Center (DFRC).**
- 2. The nature and/or description of the action being approved:**

NASA-DFRC recommends that the Government acquire the goods and services required via other than full and open competition. This justification for other than full and open competition pursuant to 10 U.S.C. 2304(c)(1) is in support of a six (6) month extension to the existing on-site support of the Safety, Health and Environmental Office pursuant to Contract No. NND06AB40B with MECx, LP (MECx) on a firm fixed-price basis.

The extension of the current NASA Dryden Flight Research Center (DFRC) safety, health, and environmental support services contract provides the support needed to avoid a lapse in service at DFRC upon the expiration of the contract on November 30, 2013, while a decision is made in response to a size determination protest received on October 25, 2013. If all options are exercised, this extension will cover a maximum period of performance of six (6) months, December 1, 2013 – May 31, 2014. The anticipated timeframe for award is two (2) months, with an award date of November 30, 2013, depending upon the outcome of the size determination protest with the Small Business Administration. The extension will consist of a two-month base period and four one-month options to be used as needed in the event of an unforeseen delay in award or a protest.

Pursuant to NASA FAR Supplement (NFS) 1801.471 (Procedure for Requesting Deviations) and NFS 1817.204 (Contracts), a deviation approval request is currently being processed for this potential extension. Unless otherwise approved in accordance with Agency procedures, the total of the basic and option periods shall not exceed five (5) years in the case of services, and the total of the basic and option quantities shall not exceed the requirement for five (5) years in the case of supplies.

Support services received under this contract are critical to the safe operation of DFRC. A six-month deviation has been requested to extend the period of performance on the safety, health, and environmental services contract because additional time is needed to allow for the completion of the competitive process for a follow-on contract.

A previous twelve-month extension was granted on November 9, 2012, which included a five-month base period and seven one-month options. That extension will expire on November 30, 2013. If the protest is denied, the needed extension period should be minimal. NASA/DFRC will need sufficient

time to allow the selected contractor to perform their proposed phase-in plan (30 days). If the protest is sustained, the amount of time needed could be for up to six (6) months. The possible scenario may include canceling the solicitation and re-compete the requirement. Most likely scenario will be to re-evaluate the proposals received, either fully or from competitive range through the selection decision.

3. Description of the supplies or services required, include an estimated value:

The support services required under this contract are critical to the safe operation of NASA/DFRC. The services provided include: data and communications management, safety, fire protection, industrial hygiene, and environmental support.

The estimated value of the services for the six (6) month extension of the current contract is approximately \$1,237,022.16 (\$206,170.36 per month). The Independent Cost Estimate was developed based on historical fixed cost and pricing data, as well as a review of the continuing data element requirements occurring during the extended performance period.

4. An identification of the statutory authority permitting other than full and open competition:

This contract extension will be procured under statutory authority permitting other than full and open competition, FAR 6.302-1, Only one responsible source and no other supplies or services will satisfy agency requirements (10 U.S.C. 2304(c)(1)). In accordance with FAR 6.302-1(a)(2), if supplies or services required by the agency are available from 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.

MECx is the only responsible source that is capable of satisfying the agency's needs for the following reasons.

5. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:

The incumbent contractor is the only responsible source that can reasonably satisfy the safety, health and environmental requirements pending award of the follow-on contract. The current contractor, MECx, has been the safety, health, and environment services contractor since May 1, 2006. MECx has experienced personnel that have proven capable of providing the necessary safety, health, and environmental services for NASA DFRC, as evidenced by yearly past performance reviews in which MECx has consistently rated "Very

Good". It would not be cost effective to issue a new contract for six months or less while NASA completes source selection for the follow-on contract.

The contract extension will provide for all of the safety, health, and environmental support services necessary for daily operations at DFRC. These services are critical and cannot lapse while the Center is operational. The incumbent contractor can provide seamless, ongoing, immediate, and fully adequate safety, health, and environmental support while avoiding substantial duplication of cost to the Government that is not expected to be recovered through competition.

6. **Description of the efforts made to ensure that offers are solicited from as many potential sources as practicable, indicate whether a Government wide point of entry (GPE) notice was or will be publicized as required by Subpart 5.2 and, if not, which exception under 5.202 applies.)**

No other offers will be solicited as the source selection process for the follow-on safety, health, and environmental procurement is currently ongoing. It would be impracticable and not in the Government's best interest to solicit additional sources while DFRC is evaluating responses for the follow-on procurement. A notice will be publicized as required by FAR Subpart 5.2.

7. **A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.**

The Contracting Officer anticipates the cost to the Government will be fair and reasonable. Prior to award, a proposal analysis will be performed in accordance with FAR 15.404-1. 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. Pre-negotiation objectives will be prepared prior to the initiation of negotiations and will be approved in accordance with FAR 15.406-1.

8. **A description of the market research conducted (see Part 10) and the results or a statement of the reason market research was not conducted.**

Other sources may be capable of providing safety, health, and environmental services at DFRC for this potential six (6) month extension period. Market research was not conducted because it was not in NASA's best interest to award a competitive contract to bridge the period between the expiration of these services and the award of a new safety, health, and environmental support services contract as it is anticipated a new follow-on contract will be awarded and effective by January 2, 2014.

9. Any other facts supporting the use of other than full and open competition:

MECx is highly qualified to continue performance of the safety, health, and environmental support services at DFRC. The continuation of the current contract allows the Center time to complete the source selection process for the follow-on procurement. Overall contract performance, in terms of safety, milestones, scheduled metrics and deliverables, has been well-organized, prioritized and safely completed on time and within budget. MECx has maintained a "Very Good" performance rating with respect to the safety, health, and environmental support services at DFRC.

Installation-provided property will be provided to the contractor in this procurement. No current or former NASA employees are expected to support this effort on behalf of MECx.

10. A listing of the sources, if any, that expressed, in writing, an interest in the acquisition.

No other source has expressed an interest in providing safety, health, and environmental support services to DFRC during this potential six (6) month performance period. The requested extension will be synopsisized, and any responses to the synopsis will be evaluated and the JOFOC amended to address the responses received.

11. 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.

Previous competition for On-Site Support of the Safety, Health, and Environmental contract was adequate. The proposed extension is due solely to the need to continue critical safety, health, and environmental support services at DFRC while a protest is resolved and a follow-on contract is awarded. Therefore, there are no actions the agency needs to take to remove or overcome any barriers to competition.

For the foregoing reasons, MECx is the only responsible source to support the critical requirement for essential safety, health, and environmental services at DFRC for the potential six (6) month performance period.

Technical Officer: I certify that the supporting data presented in this justification are accurate and complete.

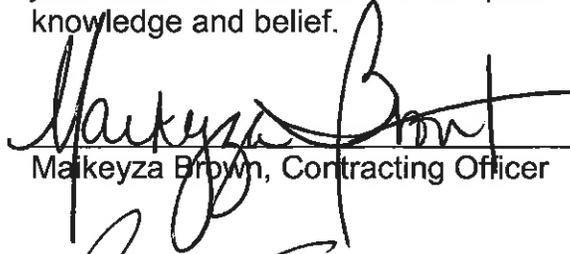


Ralph Anton, COR

11-18-2013

Date

Contracting Officer: 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.



Markeyza Brown, Contracting Officer

11-18-2013

Date

CONCURRENCE:



James W. Eastman, Procurement Officer

20 Nov 13

Date

APPROVED:



Patrick C. Stoliker Center or HQ Competition Advocate

25 Nov 13

Date