

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
GEORGE C. MARSHALL SPACE FLIGHT CENTER

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN
COMPETITION (JOFOC) PURSUANT TO TITLE 10 U.S.C. 2304(c)(1)**

1. I recommend that NASA, George C. Marshall Space Flight Center (MSFC) negotiate with URS Federal Technical Services, Inc. (URS) only for operations and maintenance of all MSFC facilities and collateral equipment and other related functions. This document is a Justification for Other Than Full and Open Competition (JOFOC) prepared by MSFC in accordance with Federal Acquisition Regulation (FAR) Subpart 6.3, Other Than Full and Open Competition, and NASA FAR Supplement (NFS) Subpart 1806.3, Other Than Full and Open Competition.

2. Nature and/or description of the action being approved:

This justification provides the rationale for contracting by other than full and open competition with URS under Contract NNM08AA54C for the acquisition of operations and maintenance of all MSFC facilities and collateral equipment and other related functions. It is recommended that this action be accomplished through a 6-month extension to the Center Operations Support Services (COSS) contract and associated contract ceiling increase.

The COSS contract was competitively awarded to URS on May 29, 2008, with a 1-year base and four 1-year options. In addition, a 6-month extension was issued pursuant to FAR 52.217-8, Option to Extend Services, on June 28, 2013, that extended the period of performance from July 1, 2013, through December 31, 2013. COSS is a Firm Fixed Price (FFP) services contract that contains an Indefinite Delivery Indefinite Quantity (ID/IQ) component.

Approval of this action will allow for continuation and stability of these services. This extension will provide time for MSFC to complete the re-competition process for the follow-on contract entitled "Facility Operations and Maintenance Support Services (FOMSS)".

3. Description of the supplies or services required to meet the agency's needs (including the estimated value):

The COSS contract provides operations and maintenance of all MSFC facilities and collateral equipment and other related functions. These activities emphasize supporting the missions of MSFC in a safe, reliable and timely manner, with minimum disruptions to the facility occupants/users. NPR 8831.2, Facilities Maintenance and Operations Management, governs this activity. The ID/IQ component of the contract allows for the management, planning, accomplishment, and quality control for a broad variety of Facility Work Request requirements that supplement the maintenance of facilities and operating systems of MSFC.

The total estimated cost of this effort is \$21 million, and it will increase the contract ceiling from \$206.7M to \$227.7M. The estimated period of performance is January 1, 2014, through June 30, 2014.

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

This recommendation for approval is made pursuant to Federal Acquisition Authority (FAR) 6.302-1 which implements the authority of 10 U.S.C. 2304(c)(1), for the acquisition of supplies and services from only one responsible source and no other supplies or services will satisfy agency requirements. In accordance with FAR 6.302-1(a)(2)(iii), services may be deemed to be available only from the original source 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(b)(1)(ii) provides that use of this authority may be appropriate in a situation when there is a reasonable basis to conclude that the agency's minimum needs can only be satisfied by services available from only one or a limited number of sources with unique capabilities.

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

URS is uniquely positioned to continue providing a wide range of engineering, technical and skilled craftsmen to perform operations and maintenance of all MSFC facilities and collateral equipment and other related functions in support of various NASA/MSFC programs and projects. URS has been the COSS contractor for MSFC since 1998, having won the last three competitive procurements. As a result, URS has developed within its management staff a unique knowledge and understanding of the requirements, operations, policies and processes across the various elements of MSFC and their facilities.

Use of URS' existing and proven capabilities will permit the timely execution of significant tasks that are necessary for achieving safe and reliable facilities that support program and mission goals. This JOFOC is for a continuation of ongoing work that is critical for mission success. URS has demonstrated a unique ability to meet the fluctuating requirements for staffing to address a very wide range of operation and maintenance skills required by MSFC.

Currently, COSS provides facility infrastructure institutional support for MSFC and various programs. NASA/MSFC has breakdown and repair responsibility for the facilities infrastructure. The work over the past several years is related to the increasing age of the mission critical buildings and the corresponding facility systems. The COSS contract has also performed work for the Office of Chief Information Officer in communication restorations and upgrades at Michoud Assembly Facility (MAF) which could not have been accomplished under the existing MAF contracts at the time this service was performed.

URS responds immediately to emergency situations in such a manner that all critical functions are completed. An example of this occurred April 2011 due to a significant

weather event that resulted in tornado damage to MSFC infrastructure causing a commercial power outage at MSFC. All critical functions were kept on-line, and temporary power was provided to the Space Shuttle Program to mix a wing patch that was required material for flight in case an "in orbit" repair was deemed necessary. This material was produced and sent to Kennedy Space Center prior to the launch of STS-134 in May 2011, thereby avoiding a costly delay in the Space Shuttle schedule.

It is in the Government's best interest to ensure that sufficient skilled resources are available to support critical operation and maintenance of buildings to ensure safe and reliable facilities that support program and mission goals. Approval of this action will guarantee stability in the contractor support of operations and maintenance for facilities at MSFC.

6. Description of the efforts made to ensure that offers are solicited from as many potential sources as practicable:

Pursuant to NASA FAR Supplement 1804.570, this proposed action will be published on the NASA Acquisition Internet Service (NAIS). Additionally, and pursuant to FAR 5.201, this proposed contract action will be synopsisized in the Federal Business Opportunities (FBO). Any responses received as a result of the publishing on NAIS and FBO will be appropriately dispositioned and documented in an addendum to this document. As described herein, the FOMSS acquisition is in process and award of the follow-on to the COSS contract is forecasted to occur within the period of time of the extension sought in this justification.

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

The COSS contract is a Firm-Fixed-Price (FFP) contract that contains an Indefinite Delivery/Indefinite Quantity (ID/IQ) component with that work being authorized by individual task orders. The FFP element principally contains the known, routine preventative maintenance requirements of the Center. It also contains the project management element of the COSS contract. ID/IQ requirements are broken down into two elements – Center-funded facility maintenance/improvements and user-funded maintenance/improvements. Upon approval of this justification, a Request for Proposal will be issued to URS requesting pricing for both the FFP elements of the contract and the labor rates to be applied to the ID/IQ orders during the 6-month extension period. Pricing for the FFP element of the contract will be derived by extending the contract line item prices (only those line items applicable to the proposed period of performance of January – June 2014) negotiated in the incumbent contract with appropriate escalation for Service Contract Act (SCA) wage determinations (both local area and collective bargaining agreements). In similar fashion, the proposed ID/IQ labor rates will be evaluated to determine whether appropriate escalation (if any) has been applied to previously negotiated labor rates on existing labor categories using applicable SCA wage determinations. The proposed ID/IQ rates will be negotiated and a determination made as to their fairness and reasonableness.

The Government also makes a determination as to fair and reasonable price for the ID/IQ orders at the time a Task Order (TO) is issued. For each requirement that results in ID/IQ work, URS submits a TO proposal based on the scope of work, work schedule, or other factors that the Government deems pertinent. URS' proposal includes a detailed price-estimate that, in part, utilizes the labor rates and related burdens previously negotiated by the parties, proposed period of performance, and any other information required by the TO description of work. Upon receipt of URS' proposal, the Government reviews the proposal for scope, completeness, accuracy, and reasonableness and may accept the proposal as stated or negotiate any aspect of the proposal. A determination by the Contracting Officer that the anticipated price of that individual task is fair and reasonable is required in order for the Government to award a task order.

8. Description of the market survey conducted, and the results, or a statement of the reasons a market survey was not conducted:

No formal market research has been conducted to support this short-term extension of the COSS contract. Knowledge of the market that supports the activities required to support the COSS contract, however, indicate that there is no source capable of immediately providing (for even the brief period of this extension) the critical operation and maintenance requirements, skills and expertise necessary to maintain the mission critical buildings and operating systems required by MSFC. Based on this knowledge of the market place, formal market survey activities will not be pursued to provide the required support services.

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

Acquisition planning for the re-competition of the COSS contract began well in advance of the original expiration date of June 30, 2013. In August 2012 the Government issued a Request for Information (RFI) to potential sources with the expectation that the acquisition would be conducted using an appropriate General Services Administration (GSA) schedule. That approach was maintained through the Fall of 2012 and into the Procurement Strategy Meeting (PSM) conducted for the FOMSS acquisition in December 2012. Following the PSM, and given the lack of competition in the acquisition that resulted in the incumbent COSS contract, internal discussions began about the potential for a robust competition using a GSA schedule versus full-and-open competition. In February 2013 a determination was made that full-and-open competition was more likely to result on the level of competition desired by the Government. In an additional attempt to promote competition, and through the Spring of 2013, further discussions took place about ways to simplify not only the solicitation that was to be issued but the contract that will result from the FOMSS acquisition. These discussions culminated in the release of the FOMSS RFP on June 14, 2013 – almost equaling the original expiration date of the COSS contract. In advance of the original end date of the contract, the Government exercised its right under FAR Clause 52.217-8, Option to Extend Services, to extend the COSS contract for six months with the expectation that it would be able to complete the acquisition process by the end of the 2013 calendar year.

Proposals were received for the FOMSS acquisition on July 29, 2013. During the initial review of the proposals received it was determined that none of the proposals were fully

compliant with the page limitations described in the RFP. In order to preserve the competition, an amendment was issued to clarify the requirements of the RFP. Proposals were resubmitted to the Government on September 16, 2013 – almost three months into the six month extension allowed via FAR 52.217-8 to complete the FOMSS acquisition cycle. The partial Government shutdown of almost three weeks in October 2013 further hindered the ability of the SEB to complete its work for this procurement. The completion of the FOMSS competition to support the award of a follow-on contract by December 31, 2013, is impractical. The average lead-time for an acquisition of this magnitude from receipt of proposals to award is ~ 120 calendar days (assuming discussions are held). If beginning to calculate that lead-time from October 17, 2013, the first day back from the partial shutdown, 120 consecutive calendar days is approximately February 15, 2014. Given the robustness of the competition for the FOMSS requirement revealed upon the receipt of proposals, completion of the FOMSS SEB activities to support the award of a follow-on contract by mid-February, 2014, is also impractical.

The proposed extension takes into account the delays described above, the robust competition that was revealed upon the receipt of proposals, and the need to allocate sufficient schedule for the SEB to exercise due diligence in the evaluation of proposals/award of the follow-on contract. While waiting for the re-competition effort to conclude, there is no other source positioned to support the operation and maintenance of MSFC buildings and operating systems without substantial risk of unacceptable delays impacting the agency's mission. Failure to extend the period of performance will result in costly delays and serious impacts to urgent operation and maintenance activities and commitments. These services are mission critical to ensure safe and reliable facilities that support program and mission goals.

10. Listing of the sources, if any, that expressed, in writing, an interest in the acquisition:

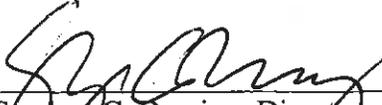
Outside of the sources associated with the FOMSS acquisition, there have been no other written expressions of interest in this acquisition action to date. However, if any are received as a result of the NAIS publication or the Federal Business Opportunities synopsis they will be appropriately dispositioned and documented by addendum to this justification.

11. The actions, if any, the Agency may take to remove or overcome barriers to competition before any subsequent acquisition for the supplies or services required:

The FOMSS acquisition (the follow-on to the COSS contract) is ongoing. The extension described in this justification will enable continued performance of the COSS contract through the completion of the recompetition effort. There is no concern about a lack of competition for these requirements in the FOMSS acquisition. Accordingly, there are no other actions the Agency needs to take to remove or overcome barriers to competition.

Title of Procurement: Modification for 6-month extension to the COSS Contract (NNM08AA54C)

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.



Stephen C. Doering, Director
Office of Center Operations

11/6/13

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



Ketela K. Helton
Contracting Officer

11-6-13
Date

Concurrence: 

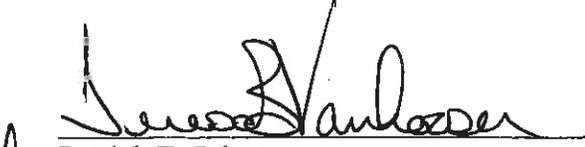
Kim E. Whitson
MSFC Procurement Officer

Dec 12, 2013
Date

Concurrence: 

L. Dale Thomas
MSFC Competition Advocate

Dec. 17 '13
Date

Approval: 

for Patrick E. Scheuermann
MSFC Center Director

12-18-13
Date