

**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.: 4200496661

Procurement Title: Protective Services

Total Estimated Value: **“FOIA E.5”**

Period of Performance: February 1, 2014 through July 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 a fourth sole source firm fixed price modification to Contract NNA04CI14T, Protective Services with SECTEK, Inc. The modification will extend the current Protective Services contract for a period of six months. The six month extension consists of a two-month base period (02/01/2014-03/31/2014), inclusive of a sixty-day phase-in/phase-out period and four one-month option periods (04/01/2014-04/30/2014, 05/01/2014-05/31/2014, 06/01/2014-06/30/2014, and 07/01/2014-07/31/2014). The current performance period of the contract, inclusive of all extensions, is nine years and eight months (June 1, 2004-January 31, 2014). The performance period of the contract, inclusive of the six month extension, if all options are exercised, will be ten years and two months. The services are currently being performed by SECTEK, Inc., a large business. This extension will allow for continued performance of the existing critical and comprehensive security and law enforcement support services while the Protective Services recompetes is completed.

Three HQ approved deviations and three Center approved JOFOCs have been requested previously. In July 2011, ARC submitted a request for the first individual deviation to extend the performance period of the current contract for 12 months (08/01/2011 through 07/31/2012) but the request was not reviewed by NASA Headquarters. ARC relied on a class deviation under PIC 11-08 (issued on October 25, 2011, now-expired) which allowed NASA centers to extend existing contracts through March 31, 2012, when “the follow-on requirements require 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 Procurement Officer approved the Protective Services contract extension through March 31, 2012.

ARC submitted a request for a second deviation on March 12, 2012, which was approved by the Assistant Administrator for Procurement on March 26, 2012. The second deviation extended the period of performance of the contract for an additional nine months through December 31, 2012, with three one-month options commencing from April 1, 2012, through March 31, 2013. The nine-month base period included a 60-day phase-in period.

ARC also submitted a request for a third deviation on December 19, 2012, which was approved by the Assistant Administrator for Procurement on January 10, 2013. The third deviation extended the period of performance of the contract for an additional four months through July 31, 2013, with six one-month options commencing from August 1, 2013, through January 31, 2014. The four-month base period included a 60-day phase-in period.

Prior to the issuance of now-expired PIC 11-08, NASA Headquarters issued the PICs listed below, which provided class deviations from the requirements of FAR 17.204(e) and NFS 1857.204(e) (iii) during the protest period of the agency-wide NASA Protective Services Contract (NPSC). The PICs were required to maintain continuity of the existing center-level contracts that would have migrated to the NPSC. The NPSC consolidated the agency's fire services, security services, emergency management support, export control, protective service training and protective service information assurance and information technology requirements.

- PIC 09-04, dated March 25, 2009, authorized contract extensions through March 31, 2010.
- PIC 09-04A, dated December 29, 2009, authorized contract extensions through December 31, 2010.
- PIC 10-15, dated October 13, 2010, provided an extension of the previous class deviations through December 31, 2011.

NASA Headquarters, through issuance of now-expired PIC 10-15, stated in part, "the agency must maintain continuity of services by extending the period of performance for several existing protective service contracts that would have migrated to the NPSC." The PICS referenced above provided ARC the authority to extend the term of the current contract through March 31, 2012. The first deviation submitted by ARC was not required, since it was supplanted by the issuance of a class deviation under PIC 11-08. The second deviation submitted by ARC on March 12, 2012, was approved by NASA Headquarters on March 26, 2012, for an extension through March 31, 2013. The third deviation from the period of performance limitation set forth in FAR 17.204(e) and NFS 1817.204(e) was submitted by ARC on December 19, 2012, and approved by NASA Headquarters on January 10, 2013, for an extension through January 31, 2014. ARC has received approval of the fourth approved HQ deviation on January 30, 2014 and is requesting approval of this fourth JOFOC to allow for continued performance of the existing critical and comprehensive security support services while the Protective Services recompute is completed.

The contract extension associated with this fourth JOFOC will provide sufficient time for completion of the procurement process and award of the follow-on Protective Services Office (PSO) Support Services contract which is a consolidation of the fire prevention and protective services requirements at ARC. The Source Evaluation Board (SEB) was in the final phase of the

procurement evaluation process when the federal Government shut-down. The shut-down, which extended from October 1 through October 17, 2013, impacted the ability of the SEB to meet the remaining milestone dates originally planned for contract award. Because the shut-down necessitated the furlough of all SEB members, the Source Selection Authority briefings and required legal reviews had to be rescheduled. Also, the completion of the evaluation process was impacted by the annual leave/vacation time taken by personnel involved in the procurement process during the Thanksgiving/Christmas holiday season as well as the health-related absence of a key SEB member. Because of the above, additional time is required to complete the procurement process and award of the consolidated follow-on contract.

A gap in the provision of security and law enforcement services or a delay in response to a security or safety related incident at ARC could result in personnel injury, high risk or loss of life and/or destruction of facilities.

The following procurement milestones have been completed or scheduled for the follow-on combined fire prevention/security protection services contract:

Draft Solicitation Released	24 Feb 2012
Industry Briefing Date	28-29 Feb 2012
Final Solicitation Released	19 Nov 2012
Proposal Due Date – Offers Received	10 Dec 2012
Pre-Negotiations/Clarifications	20 Jan 2013
Evaluations Completed	10 May 2013
SAA Briefing	21 Nov 2013
Discussions/Negotiations	17 Jan 2014
Source Selection	5 Feb 2014
Debriefings, Contract Preparation, Review, and Clearance	19 Feb 2014
Contract Award (Commencement of Phase-In)	10 Mar 2014

The Protective Services Office has determined that SECTEK, Inc is highly qualified to continue performance of this contract at ARC pending award of a follow-on contract for the required services. Contract performance has been well organized, prioritized and safely completed on time and within budget.

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 Protective Services Contract will allow for continued performance of existing critical, comprehensive and highly specialized security and law enforcement services in support of the ARC's Protective Services Office, while the Protective Services recompetes is completed. Major areas of work include security (security and law enforcement officers), personnel security, emergency response, risk assessment, vulnerability analyses, innovative and strategic recommendations for security enhancements and upgrades, international visitor requests, infrastructure security and badging operations, counterintelligence services and associated record-keeping functions. Additional services include staffing a 24/7 security operation daily and providing increased security during emergency or disaster periods. These services are critical to the day-to-day operation of ARC and cannot be allowed to lapse.

The estimated value of the services for this six month contract extension is "**FOIA E.5**". The estimate was developed based on historical fixed cost and pricing data, as well as technical

review of the continuing data element requirements occurring during the extended performance period. The Protective Services contract includes Collective Bargaining Agreements between SECTEK, Inc., and United States Government Security Officers of America (UGSOA) Local 403 (effective March 1, 2013, through July 31, 2014) and SECTEK, Inc., and Northern California Carpenters Regional Council, Carpenters Forty-Six Counties Conference Board and their Affiliated Local Unions (effective November 1, 2012, through October 31, 2015).

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)(iii), FOR DoD, NASA and the Coast Guard, 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 substantial duplication of cost to the Government that is not expected to be recovered through competition, or unacceptable delays in fulfilling the agency's requirements.

As addressed above, the six month follow-on extension to the current period of performance of the Protective Services contract is necessary and critical to provide continuing, highly specialized security and law enforcement services in support of NASA's missions and for the safety and security of ARC personnel and facilities. The incumbent, SECTEK, is highly qualified to continue performance of this contract at NASA ARC through July 31, 2014. Technical contract staff members have obtained specialized qualifications, credentials, training and instruction necessary to provide security and law enforcement services at ARC including NASA-specific training available through the NASA Protective Services Academy. Over the course of the term of the contract, SECTEK has acquired expert knowledge of ARC facilities and programs to support safety and security operations at ARC. SECTEK is familiar with NASA and ARC security, law enforcement and center protection policies and maintains a Top Secret Facility Clearance.

ARC is not able to compete a separate procurement for the six month requirement for protective services, concurrent with the procurement process for the recomplete of the combined fire prevention and protective services, and requires that SECTEK continue to provide security and law enforcement services for ARC. Extending the Protective Services contract is necessary to avoid disruption to security operations, pending completion of the competitive follow-on action. Award to another source at this time would disrupt security operations at ARC and would result in unacceptable delays in fulfilling the Government's requirements. A gap in the provision of security and law enforcement services or a delay in response to a security or safety related incident at ARC could result in personnel injury and/or destruction of facilities.

Further, a separate competition and award covering this six month period would generate a substantial duplication of costs to the Government that could not be recovered (i.e. costs associated directly with re-procurement and learning curve costs associated with the transition to a new contractor), that would needlessly endanger the seamless continuity of services, and cause slips in critical milestones that would generate unacceptable delays in fulfilling the

agency's security requirements, which are critical to the safety of the community and facilities of ARC and NASA.

If this six month extension to the incumbent, SECTEK, for these highly specialized, mission critical services is not awarded as authorized herein, a substantial duplication of unrecoverable re-competition and phase-in activity-related costs to the Government, as well as unacceptable delays in the performance of these critical contract requirements, would result. Hence, a six month extension, rather than a new procurement for a six month contract, is the only cost-effective and reasonable approach for NASA to take in the present situation.

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(b)(6)]

A synopsis was posted on the NASA Acquisition Internet Services (NAIS) and the "FedBizOpps" Federal Business Opportunities Portal on January 16, 2014 to inform the public of NASA's intent to extend the Protective Services contract with SECTEK, for a potential six month period. The response date to the synopsis is January 30, 2014. 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 7). Prior to this extension to the APSC, 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 six (6) month period. (See Section E.)

The synopsis requested capabilities/qualifications statements from interested parties; no such statements were received from the synopsis 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)]

SECTEK is highly qualified to continue performance of the Protective Services contract at ARC through July 31, 2014, pending award of the follow-on combined protective and fire prevention

services contract. Overall contract performance—in terms of safety, milestones, scheduled metrics and deliverables—is well-organized, prioritized and safely completed on time and within budget. SECTEK has maintained a very good/excellent performance rating during the current term of the Protective 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 protective services to ARC for the six (6) month 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)]

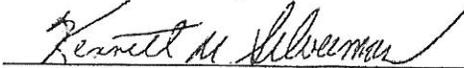
The proposed contract modification for a six month extension is required to obtain continuing, highly specialized security and law enforcement services pending completion of the follow-on procurement, without generating unacceptable delays and substantial duplication of costs to the Government. The follow-on 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, and pursuant to FAR 6.302-1(a)(2)(iii), SECTEK is the only responsible source to support the requirement for essential security and law enforcement services at ARC through July 31, 2014.

Signature Page

Requirement Initiator:
Kenneth M. Silverman
Contracting Officer's
Technical Representative

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


Signature

1/23/14
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

1/23/14
Date

CONCURRENCE:

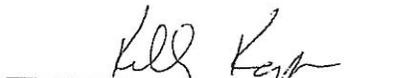
Directorate Manager:

Charles W. Duff, II
Director of Center
Operations


Signature

1/27/14
Date

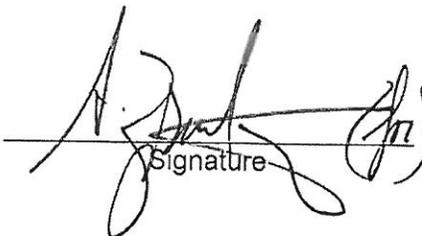
Procurement Officer
Kelly G. Kaplan


Signature

1/23/14
Date

APPROVAL:

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


Signature

1.28.14
Date

cc (after approval):
JAB/241-1