

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.: 4200496834

Procurement Title: Fire Prevention 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 cost-plus-award-fee modification to Contract NNA06CD65C, Fire Prevention Services, with G4S Government Solutions Inc. (G4S GS). The modification will extend the current Fire Prevention 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 seven years and six months (August 1, 2006 through January 31, 2014). The performance period of the contract, inclusive of the six month extension, if all options are exercised, will be eight years. The services are currently being performed by G4S GS, 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 2, 2011. G4S GS is a large business. This extension will allow for continued performance of the existing critical and comprehensive fire prevention 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 Office approved the Fire Prevention 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 January 1, 2013, 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.
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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 fire prevention support services while the Protective Services recomplete 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 service 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 of 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 G4S GS 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 Fire Prevention Service contract will allow for continued performance of existing critical, comprehensive, and highly specialized fire prevention support services, while the Protective Services recompetes is completed. 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 six month contract extension is approximately "FOIA.E5". 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 October 1, 2013 through September 30, 2014.

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 Fire Prevention Services contract is necessary and critical to provide continuing, highly specialized fire prevention services in support of NASA's missions and for the safety of ARC personnel and facilities. The incumbent, G4S GS, is highly qualified to continue performance of this contract at NASA ARC through March July 31, 2014. 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, G4S GS has acquired expert knowledge of ARC's unique and aging facilities.

ARC is not able to compete a separate procurement for the six 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 G4S GS 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.

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 a 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 fire prevention requirements, which are critical to the safety of the community and facilities of ARC and NASA.

If this six month extension to the incumbent, G4S GS, 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(a)(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 Fire Prevention Services with G4S GS, 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 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 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)]

G4S GS is highly qualified to continue performance of the Fire Prevention 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 and response time-is well-organized, prioritized and safely completed on time and within budget. G4S GS 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 six 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)]

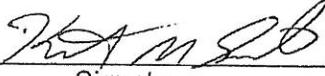
The proposed contract modification for a six month extension is required to obtain continuing highly specialized fire prevention services pending completion of the follow-on procurement, without generating unacceptable delays and substantial duplication of costs to the Government. The follow-on procurement 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 services.

For the foregoing reasons, and pursuant to FAR 6.302-1(a)(2)(iii), G4S GS is the only responsible source to support the requirement for essential fire prevention services at ARC through July 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

22 January 2014

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)]



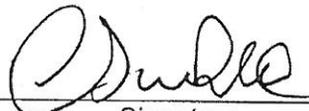
Signature

1/23/14

Date

CONCURRENCE:

Directorate Manager:
Charles W. Duff, III
Director of Center
Operations



Signature

1/27/14

Date

Procurement Officer
Kelly G. Kaplan



Signature

1/23/14

Date

APPROVAL:

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



Signature

1.28.14

Date

cc (after approval):
JAB/241-1