

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. This document is a Justification for Other Than Full and Open Competition (JOFOC) prepared by the NASA George C. Marshall Space Flight Center (MSFC) in accordance with Federal Acquisition Regulation (FAR) Part 6.3, Other Than Full and Open Competition, and NASA FAR Supplement (NFS) Part 1806.3, Other Than Full and Open Competition.
2. This justification provides the rationale for MSFC contracting with the State of California Department of Toxic Substances Control (DTSC) in other than full and open competition for the continuation of environmental remediation oversight at the Santa Susana Field Laboratory (SSFL), Ventura County, California as required by the two agreements (Consent Order for Corrective Action and Administrative Order on Consent for Remedial Action) between NASA and DTSC. The previous environmental remediation oversight service was conducted under contract NNM08AA17C with the Boeing Company, Canoga Park, California. The end date of the contract with Boeing is August 31, 2014. Therefore, MSFC is continuing this effort by contracting directly with DTSC. Maintaining contract continuity is the most effective and efficient way to ensure remediation oversight continues as required by law.
3. A Cost Reimbursable, no fee, contract with an estimated cost of \$6.6M is contemplated. This is due to the inability to define the level of support/oversight required by the State of California for the environmental remediation oversight at SSFL during the period of performance of September 1, 2014 through August 31, 2019 (excluding the 6-month option to extend services - September 1, 2019 through February 29, 2020).
4. This recommendation is made pursuant to FAR 6.302-1, which implements the authority of 10 U.S.C. 2304(c)(1) when an agency's need for supplies or services are available from only one responsible source that will satisfy Agency requirements. This authority is based upon the orders below for continuation of work performed by DTSC (The State Regulator) under the preceding contract. Competition is also impractical due to this being a service contract to support unusual or compelling needs (FAR 6.302-2 (2) and based on Authority of (1) Consent Order for Corrective Action executed on August 16, 2007 signed by NASA Center Director and SSFL Project Director of DTCS and (2) Administrative Order on Consent (AOC) for Remedial Action executed on December 6,

2010, signed by NASA Assistant Administrator of Office of Strategic Infrastructure and DTSC Acting Director.

5. The public's best interest is served by having the DTSC environmental remediation oversight continue under this proposed contract. For approximately 50 years, the SSFL was utilized for the development, test and validation of various fuels and solvents. These fuels and solvents were used to test and maintain the propulsion systems and testing facilities which have over the years, collected in the ground water and caused contamination. Federal and State environmental laws require remediation of the affected areas followed by a period of monitoring. California law requires that remediation be sustained, without cessation, through completion.
6. Because of the length of the proposed contract and the liability associated with performance, DTSC is the only party who can provide the cleanup standards and oversight. Finding another firm, other than DTSC, interested in competing for the work is small. Additionally, the legacy liabilities from contamination lawsuits would make this effort cost prohibitive if performed by another contractor and it has been agreed in the Consent Order for Corrective Action and the AOC for Remedial Action that DTSC be used.
7. The contractual historical data reflects that the estimated costs to the Government have been fair and reasonable.
8. Market research was not necessary because DTSC is the only named agent to provide oversight for the proposed clean-up effort at SSFL. The NASA 2007 Consent Order, 2010 Administrative Order on Consent (AOC), make it impractical for another contractor to take over the remediation effort at SSFL. The proposed effort is not considered to be a commercial item purchase under FAR Part 12.
9. Technical data package, specifications, engineering descriptions, statements of work, or purchase descriptions suitable for full and open competition are not available.
10. Pursuant to FAR 5.201, this proposed contract action will be synopsisized in the Federal Business Opportunities, and pursuant to NFS 1804.570, this proposed contract action will be published on the NASA Acquisition Internet Services (NAIS). The results received in writing will be added to this document by addendum.
11. There are no known actions which the Agency may take to remove or overcome barriers to competition before any subsequent acquisition for the supplies or services required.

For the above reasons, full and open competition is not feasible. I recommend that NASA, MSFC negotiate with DTSC for the purchase of services necessary for environmental remediation oversight at the SSFL, Ventura County, California. This is the only legal and practical approach.

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.

Allen Elliott
SSFL Program Director

Date

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

Date

Concurrence:

Kim E. Whitson
Procurement Officer

Date

Approved:

L. Dale Thomas
Center Competition Advocate

Date