

**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.: 4200516378

Procurement Title: Protective Services

Total Estimated Value: "FOIA Exemption 5"

Period of Performance: August 1, 2014 through April 30, 2015

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 fifth sole source contract modification to extend the period of performance for the current Protective Services Contract, NNA04CI14T, for a period of nine (9) months pending completion of a competitive procurement for a follow-on contract for this effort. The nine month extension would consist of a six-month base period, inclusive of a sixty-day phase-in/phase-out period, and three one-month option periods. This extension would extend the current period of performance from August 1, 2014 to no later than April 30, 2015, if ARC exercises all options.

ARC awarded the original contract on June 1, 2004, with a performance period of June 1, 2004 through May 31, 2009 (after exercising all of the options). Further, ARC awarded four contract extensions that extended the contract to the current period of performance end date of July 31, 2014. 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 protective support services, while the Protective Services re-competition can be completed.

ARC previously requested four deviations and four JOFOCs. In July 2011, ARC submitted a request for the first deviation to extend the performance period of the current contract for 12 months (08/01/2011 through 7/31/2012); however, NASA HQ did not review the request. ARC relied on a class deviation

under PIC 11-08 (issued on October 25, 2011, but 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 discussed the fiscal constraints for severable contracts. Since ARC deemed the follow-on contract, combining the fire prevention and protective services as 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 the Assistant Administrator for Procurement approved 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 from January 1, 2013 through March 31, 2013. The nine-month base period included a 60-day phase-in period.

ARC submitted a request for a third deviation on December 19, 2012, which the Assistant Administrator for Procurement approved 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 from August 1, 2013 through January 31, 2014. The four-month base period included a 60-day phase-in period.

ARC, submitted a request for a fourth deviation on January 16, 2014, which the Assistant Administrator for Procurement approved on January 29, 2014. The fourth deviation extended the period of performance of the contract for an additional two months through March 31, 2014, with four one-month options commencing from April 1, 2014, through July 31, 2014. The two-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 maintained the 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 the 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 ARC Procurement Officer approved the first deviation, in accordance with PIC 11-08, on July 09, 2011. ARC submitted the second deviation on March 12, 2012, which NASA Headquarters approved on March 26, 2012, for an extension through March 31, 2013. ARC submitted the third

deviation on December 19, 2012, which NASA Headquarters approved on January 10, 2013, for an extension through January 31, 2014. ARC submitted the fourth deviation request from the period of performance limitation set forth in FAR 17.204(e) and NFS 1817.204(e) on January 16, 2014, which NASA Headquarters approved on January 29, 2014. ARC received approval of the fifth deviation which was requested on July 15, 2014. ARC requests approval of this fifth JOFOC to allow for continued performance of the existing critical protective services while the Protective Services re-competition can be completed.

The contract extension associated with this fifth 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 consolidates the fire prevention and protective service requirements at ARC. After establishing the competitive range, ARC received notification of a Government Accountability Office (GAO) protest on January 31, 2014. On April 16, 2014, GAO dismissed the protest with the caveat that NASA ARC would take corrective action regarding its procurement process, including the re-evaluation of proposals with a new Source Evaluation Board (SEB). This corrective action will require additional time, and therefore will impact the timeframe to complete the procurement process and award of the consolidated follow-on contract. ARC appointed a new Source Selection Authority (SSA) and SEB Chairperson; however, ARC must still appoint one additional SEB voting member with protective services expertise. The impact of this additional appointment is unknown at this time. Additionally, the Supervisory Security Specialist wishes to revise some of the Performance Work Statement and Request for Proposal requirements. The newly appointed Contracting Officer will meet with him during the week of June 16, 2014 to discuss these possible changes.

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:

Protective Services Detailed Schedule

PRE-EVALUATION EVENTS	INITIAL	REVISED	ACTUAL
SEB Finalized	05/16/2014	06/23/2014	
Security Briefing	05/21/2014	07/21/2014	
OGE-450 Validation	05/22/2014	07/21/2014	
Send Letters to Offerors	05/22/2014	07/23/2014	
EVALUATION EVENTS (NO DISCUSSIONS NECESSARY)	INITIAL	REVISED	ACTUAL
Receive Revised Proposals	05/27/2014	08/06/2014	
Start Individual Revised Proposal Evaluations	05/27/2014	08/07/2014	
Complete Individual Revised Proposal Evaluations	06/30/2014	08/28/2014	
Start Consensus Proposal	07/01/2014	08/29/2014	

Evaluations			
Complete Consensus Proposal Evaluations	07/11/2014	09/10/2014	
Start SSA Presentation Slides	07/14/2014	09/11/2014	
Complete SSA Presentation Slides	07/31/2014	10/02/2014	
Present Initial Findings to SSA	08/18/2014	10/30/2014	
Selection Made		10/30/2014	
Complete Source Selection Statement/Decision		11/13/2014	
Contract Award		12/01/2014	
Start Post-Award Debriefings		12/02/2014	
Protest Received		12/08/2014	
Protest Decided		03/18/2015	
EVALUATION EVENTS (DISCUSSIONS NECESSARY)			
Complete Competitive Range Determination Memo	08/25/2014	11/10/2014	
Issue Discussion Letters	08/25/2014	11/12/2014	
Complete Discussions	09/08/2014	11/19/2014	
Request FPRs	09/15/2014	11/20/2014	
FPRs Received	09/29/2014	12/08/2014	
Complete Evaluation of FPRs	10/10/2014	12/19/2014	
Present Final Findings to SSA	10/24/2014	01/09/2015	
Selection Made	10/24/2014	01/09/2015	
Complete Source Selection Statement/Decision	10/31/2014	01/26/2015	
Start Pre-Award Debriefings	11/03/2014	01/28/2015	
Contract Award	11/10/2014	02/04/2015	

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 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 nine month contract extension is “FOIA Exemption 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 nine 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 April 30, 2015. 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.

Many of the facilities at ARC are unique facilities and are critical to the missions of ARC and NASA, such as wind tunnels, flight simulators, research laboratories, and arc jets. Over the course of the term of the contract, SECTEK has acquired expert knowledge of ARC unique and aging facilities. SECTEK is familiar with NASA and ARC security, law enforcement and center protection policies and maintains a Top Secret Facility Clearance.

ARC cannot successfully complete a separate procurement for the nine month requirement for protective services, concurrent with the procurement process for the re-compete of the combined fire prevention and protective services. SECTEK must continue to provide security and law enforcement services for ARC facilities. 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 nine 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 nine 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 nine month extension, rather than a new procurement for a nine 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)]

ARC posted a synopsis on the NASA Acquisition Internet Services (NAIS) and the Federal Business Opportunities (FedBizOpps) portals on July 22, 2014 to inform the public of NASA's intent to extend the Protective Services contract with SECTEK, for a potential nine month period. The response date to the synopsis is July 28, 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 conducting 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)]

ARC posted a synopsis on the NAIS and FebBizOpps websites as stated in paragraph E above, and no interested parties responded. Based on the Contracting Officer's Representative's (COR) technical knowledge of the current Protective Services requirements, and for all of the other reasons stated herein, Sectek, Inc. is the sole responsible source able to fulfill the critical Protective Services requirements pending the procurement of the follow-on fire prevention/protective services contract.

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 April 30, 2015, pending award of the follow-on combined protective and fire prevention services contract.

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.

Kenneth M. Silverman
Signature

6/25/2014
Date

Contracting Officer:
Barbara A. Drake

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)]

Barbara A. Drake
Signature

6/25/2014
Date

CONCURRENCE:

Directorate Manager:

fw **Charles W. Duff, III**
Director of Center Operations

Charles W. Duff, III
Signature

7-31-14
Date

Procurement Officer
Kelly G. Kaplan

Kelly G. Kaplan
Signature

7-31-14
Date

APPROVAL:

Center Competition Advocate:
Lewis Braxton
ARC Deputy Center Director

Lewis Braxton
Signature

7/31/2014
Date

cc (after approval):
JAB/241-1