

**National Aeronautics and Space Administration
Ames Research Center
Moffett Field, California 94035-0001**

**Justification for Other than Full and Open Competition
[FAR 6.303-2(b)(1)]**

Summary Information:

Initiating Office: NASA Ames Research Center
Protective Services Office (Code JP)

Purchase Request No.: 420051620

Procurement Title: Fire Prevention 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 requirements 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 Fire Prevention Services Contract, NNA06CD65C, 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 28, 2006, with a performance period of August 1, 2006 through July 31, 2011 (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 G4S Government Solutions, Inc. (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, it 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 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 Administrative 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 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 the 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 and comprehensive fire prevention support 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, thereby impacting 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 fire prevention services or a delay in response to a security or safety related incident at ARC could result in personnel injury, high risk of the loss of life and/or destruction of facilities.

The following procurement milestones, which include the establishment of a new Source Evaluation Board and Source Selection Official, have been completed or re-scheduled for the follow-on combined fire prevention/security protection services contract:

Fire Prevention 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 Evaluations	07/01/2014	08/29/2014	

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	

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. Additionally, since the award of the Fire Services contract, G4S GS received award fee evaluation ratings of "Very Good" to "Excellent."

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 Fire Prevention Services contract will allow for continued performance of existing critical, comprehensive, and highly specialized fire prevention support services, while the Protective Services re-competition can be 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). Under the Fire Prevention Services contract, the contractor currently provides the following: 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 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 estimated value of the services for the nine-month extension is approximately "FOIA Exemption 5" based on the Government's Independent Cost Estimate (ICE). The ICE is based on historical fixed cost and pricing data as well as a technical review of the labor and materials costs anticipated for the continued performance of the Fire Prevention Services contract. The Fire Prevention Services 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 for this procurement 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 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 April 30, 2015. 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 following: the National Fire Protection Association (NFPA) standards, Specific State Training Requirements, and Occupational Safety and Health Administration (OSHA) standards.
- 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 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, G4S GS has acquired expert knowledge of ARC's unique and aging facilities. ARC cannot successfully complete a competition for a separate procurement for the nine month requirement for fire prevention services, concurrent with the procurement process for the re-competition of the combined fire prevention and protective services contract. G4S GS must 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 nine 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 endanger the seamless continuity of services, and that would generate unacceptable delays in fulfilling the agency's fire prevention requirements. These requirements are critical to the safety of the community and of those working in ARC facilities.

If this nine 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 related costs as well as unacceptable delays in the performance of these critical contract requirements would occur. 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(a)(6)]

ARC posted a synopsis on the NASA Acquisition Internet Services (NAIS) and the Federal Business Opportunities (FedBizOpps) portals on July 22, 2014, in order to inform the public of NASA's intent to extend the Fire Prevention Services with G4S GS, for a potential nine (9) 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's signature on this document indicates that the Contracting Officer has determined that the anticipated cost to the Government will be fair and reasonable. Prior to execution of the contractual instrument, a proposal analysis will be performed in accordance with FAR 15.404. The proposal analysis will ensure that the final agreed-to price for the contract 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.

Requirement Initiator:
Keith Siuda
Contracting Officer's
Technical Representative

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


Signature

20 June 2014
Date

Contracting Officer:
Barbara A. Drake

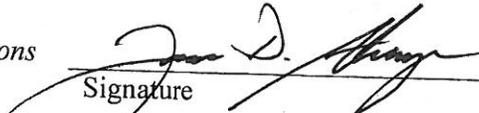
I hereby determine that the anticipated cost to the Government will be fair and reasonable and certify that this justification is accurate and complete to the best of my knowledge and belief. [FAR 6.303-2(a)(12)]


Signature

20 June 2014
Date

CONCURRENCE:

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


Signature

7-31-14
Date

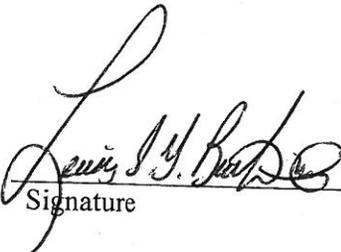
Procurement Officer
Kelly G. Kaplan


Signature

7-31-14
Date

APPROVAL:

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


Signature

7/31/2014
Date