

## JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY (OVER SAT)

1. Contracting Activity: NASA/Stennis Space Center  
Office of Procurement/ DA00  
1100 Balch Blvd.  
Stennis Space Center, MS 39529
2. Description of Action: This proposed action is for a Firm-Fixed-Price Task Order (TO) being issued under the SSC Multiple Award Construction Contract (MACC) for the procurement of B2 Test Stand Restoration Work Package 4 construction project; however, only the two large business contractors (Sauer and Harry Pepper) will be allowed to submit bids. This procurement will be conducted in accordance with FAR Part 14 (SEALED BIDDING) and Part 36 (CONSTRUCTION).
3. Description of Supplies or Services: The work required consists of the following three design packages: B-2 Test Stand Process Piping Systems Buildout; B-2 Test Stand Restroom Refurbishment; and B-2 Test Stand Electrical Systems Buildout. The total estimated value is \$ [REDACTED].
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(C) (Logical follow-on).
5. Fair and Reasonable Cost Determination: The contracting officer shall determine that the anticipated cost of the resultant task order including all items described in this justification will be both fair and reasonable prior to the award.
6. Other Facts:

**Logical follow-on:** FAR 16.505(b)(2)(i)(C) states that an exception to the Fair Opportunity Process is that the order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order. The SSC MACC Contract is made up of (10) awards to five different categories of general construction contractors. Two contract awards were made in each of the following categories: HUBZone small business, 8(a) small business, Service Disabled Veteran Owned small business, small business and large business. We are considering the large business classification as a sole source category in the interest of economy and efficiencies. This is a very large complicated, dangerous construction project which will take place on an already crowded test stand over 300 feet. The fewer contractors there are on this stand managing work at this height the better. It will make a much safer work environment and a more efficient work site by keeping one of the two large contractors who are already on the stand there. This project is Work Package #4 to the B Test Stand restoration. All ten contractors were given an opportunity to bid on Work Package #2 and only Harry Pepper and Sauer submitted

proposals due to the type of work. Both Sauer and Harry Pepper are currently working on the B Test Stand Restoration. Harry Pepper is currently working on Work Packages #1 and #3 while Sauer is working on Work Package #2. It is anticipated that this project's (Work Package #4) notice to proceed will be issued on Oct. 15, 2014. Harry Pepper has a current completion date on Work Package #1 of Sep 14, 2014, and will complete Work Package #3 in the spring of 2015 while Sauer currently has a completion date on Work Package #2 of Sep. 24, 2014. So, whichever contractor wins this task order, that contractor will be the only one on the site after the spring of 2015. This will make a much safer job site than if two or more contractors were working in such close areas.

The eight (8) small business contractors as shown below were contacted on August 6, 2014 by the Office of Procurement. They were notified that they would not receive the IFB for NNS14523820E, for B2 Test Stand Restoration Work Package #4 at Stennis Space Center, MS, as this project is a logical follow-on to the previous Work Package #3 for the B2 Test Stand Restoration.

<b>Company</b>	<b>Person Contacted</b>	<b>Contact #</b>	<b>Response</b>
Birmingham Industrial	Rafael Cabello	205-567-1479	No Interest
Advon Corporation	Bill Graham	850-508-2620	No Interest
MOWA Development	Steve Jordan	228-497-9262	No Interest
McClain Contracting	Mr. McClain	334-222-4388	No Interest
DNP Inc.	Greg Nolte	228-392-7692	No Interest
Healtheon, Inc.	Deidre Robicheaux	504-799-3750	Expressed Interest
Southeast Cherokee Construction	Lynn Carter	334-264-1770	No Interest
American Contractor & Technology	Jason Chancellor	337-593-9034	No Interest

7. Actions to Increase Competition: Although the Government is limiting competition to the two large business contractors under the MACC for this task order, the eight (8) MACC small business contractors have had plenty of opportunities for other requirements set aside under FAR Part 19 at NASA/Stennis Space Center, MS. The Center Operations Directorate will continue to review changing conditions to ensure all ten (10) MACC contractors are afforded a fair opportunity to provide offers for future requirements.

8. Technical Personnel's Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

[REDACTED]  
Katie Carr  
Contracting Officer's Representative

10/02/2014  
Date

9. Contracting Officer's Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

[REDACTED]  
Jason F. Edge  
Contracting Officer

10/02/2014  
Date

10. Approving Official's Determination: I hereby determine that the circumstances in FAR Subpart 16.505(b)(2)(i)(C) (Logical follow-on) apply to this task order.

[REDACTED]  
Robert S. Harris  
Procurement Officer

10/02/2014  
Date