

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.: 4200541935

Procurement Title: Protective Services

Total Estimated Value: "FOIA Exemption 5"

Period of Performance: May 1, 2015 through October 31, 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 sole source contract modification to extend the period of performance for the current Protective Services Contract, NNA04CI14T, for a period of six (6) months pending completion of a competitive procurement for a follow-on contract for this effort. The six month extension would consist of a three-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 May 1, 2015, to no later than October 31, 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 five contract extensions that extended the contract to the current period of performance end date of April 30, 2015. 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 five deviations. In July 2011, ARC submitted a request for the first deviation to extend the performance period of the current contract for 12 months (August 1, 2011, through July 31, 2012); however, NASA HQ did not review the request. Instead, ARC relied on a class deviation under PIC11-08 (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 required 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, on July 9, 2011, 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.

ARC submitted a request for a fifth deviation on July 15, 2014, which the Assistant Administrator for Procurement approved on July 30, 2014. The fifth deviation extended the period of performance of the contract for an additional six months through January 31, 2015, with three one-month option periods from February 1, 2015, through April 30, 2015. The nine-month 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, for an extension through March 31, 2012. 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 request 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 on January 16, 2014, which NASA Headquarters approved on January 29, 2014, for an extension through July 31, 2014. ARC submitted the fifth deviation request on July 15, 2014, which NASA Headquarters approved on July 30, 2014, for an extension through April 30, 2015. ARC submitted the sixth deviation request in March 2015, for an extension through October 31, 2015, if ARC exercises all options. ARC requests approval of this JOFOC to allow for continued performance of the existing critical protective services while the Protective Services re-competition can be completed which will not be implemented until receipt of the approval of the latest deviation.

The contract extension associated with this 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. The completion of proposals evaluation and award of the contract has been impacted by the following:

- Significant delay in the appointment of Source Evaluation Board (SEB) and Source Selection Authority (SSA) after decision to take corrective action as a result of GAO Protest;
- Original request for proposal had to be amended;
- New SEB members had to familiarize themselves with RFP requirements;
- Longer evaluation of new proposals which coincided with the November and December holiday season, and end-of-the-year approved leave of the SEB had to be accommodated;
- Insufficient time for the new SEB to complete the diligent initial evaluation of proposals; brief the SSA; conduct discussions and complete final evaluation (if necessary); selection, award, debriefings, and any potential further actions that may arise.

A gap in the provision of security 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 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	08/20/2014	
EVALUATION EVENTS (NO DISCUSSIONS NECESSARY)	INITIAL	REVISED	ACTUAL
Receive Revised Proposals	05/27/2014	09/26/2014	09/26/2014

Start Individual Revised Proposal Evaluations	05/27/2014	09/29/2014	09/29/2014
Complete Individual Revised Proposal Evaluations	06/30/2014	12/02/2014	12/02/2014
Start Consensus Proposal Evaluations	07/01/2014	12/05/2014	12/05/2014
Complete Consensus Proposal Evaluations	07/11/2014	12/13/2014	01/05/2015
Start SSA Presentation Slides	07/14/2014	01/07/2015	01/06/2015
Complete SSA Presentation Slides	07/31/2014	03/26/2015	03/27/2015
Present Initial Findings to SSA	03/12/2015	04/02/2015	
Selection Made		04/02/2015	
Complete Source Selection Statement/ Decision		04/09/2015	
Pre-Award Debriefings		04/30-05/07/2015	
Contract Award		05/14/2015	
<b>EVALUATION EVENTS (DISCUSSIONS NECESSARY)</b>			
Complete Competitive Range Determination Memo	03/20/2015	04/10/2015	
Begin Discussions	03/26/2015	04/13/2015	
Complete Discussions	04/09/2015	04/24/2015	
Request FPRs	04/10/2015	04/27/2015	
FPRs Received		05/04/2015	
Complete Evaluation of FPRs		05/22/2015	
Present Final Findings to SSA		06/18/2015	
Selection Made		06/25/2015	
Issue SB Size Challenge Letters		06/25/2015	
SB Size Challenge Period Closes		07/02/2015	
ANOSCA Signed Locally and Forwarded to HQ		07/07/2015	
Debriefings Commence		07/15/2015	
Debriefings Complete		07/22/2015	
Contract Award		08/10/2015	

**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 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 six 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 cost 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 August 1, 2014, through July 31, 2017) 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 six 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 October 31, 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 six 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 six 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 six 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 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(b)(6)]**

As required by FAR Subpart 5.2, ARC posted a synopsis on the NASA Acquisition Internet Services (NAIS) and the Federal Business Opportunities (FedBizOpps) portals on March 9, 2015.

For reasons set forth in paragraph D, it is not in NASA's best interest to award a new contract to bridge the potential six month period between the expiration of the current services and the award of a new Protective Services Contract.

**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. 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 award 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 October 31, 2015, pending award of the follow-on combined protective and fire prevention services contract. Overall contract performance—in terms of safety, milestones, scheduled metrics and deliverables—is well-organized, prioritized and safely completed on time and within budget. SECTEK has maintained a very good/excellent performance rating during the current term of the Protective 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 protective services to ARC for the six month period.

**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 security and law enforcement services pending completion of the follow-on procurement, without generating unacceptable delays and substantial duplication of costs to the Government. The follow-on procurement will be 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 supplies and services.

For the foregoing reasons, and pursuant to FAR 6.302-1(a)(2)(iii), SECTEK is the only responsible source to support the requirement for essential security and law enforcement services at ARC through October 31, 2015.

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*

*3/5/15*

Signature

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*

*3/19/2015*

Signature

Date

**CONCURRENCE:**

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

*Charles W. Duff, III*

*4/8/15*

Signature

Date

**Procurement Officer**  
*Kelly G. Kaplan*

*Kelly G. Kaplan*

*4/2/15*

Signature

Date

**APPROVAL:**

**Center Competition Advocate:**  
*Charles A. Smith*  
*ARC Acting Center Director*

*Charles A. Smith*

*4/13/15*

Signature

Date

cc (after approval):  
JAB/241-1