

**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.	4200544324
Procurement Title:	Fire Prevention Services
Total Estimated Value:	“FOIA, Exemption 5”
Period of Performance:	May 1, 2015, through October 31, 2015
Statutory Authority:	10 USC 2304(c)(1), <i>Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements</i>

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 sole source contract modification to extend the period of performance for the current Fire Prevention Services Contract, NNA06CD65C, 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 28, 2006, with a performance period of August 1, 2006, through July 31, 2011 (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 Centerra Group, LLC, formerly G4S Government Solutions, Inc. (G4S GS Inc.). G4S GS Inc. executed a Change of Name Agreement effective December 9, 2014, to Centerra Group, LLC, which was incorporated into the contract under Modification No. 109, dated February 12, 2015. Centerra Group, LLC is a large business.

This extension will allow for continued performance on the existing critical and comprehensive fire prevention 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 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 from April 1, 2014, through July 31, 2014. The two-month base period included a 60-day phase-in period.

ARC submitted a fifth request for a deviation on July 15, 2014, which the Assistant Administrator for Procurement approved on July 31, 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 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 to extend the performance period of the current contract for eight months (August 1, 2011, to March 31, 2012) relying on the class deviation

authorized under PIC 11-08, which allowed all NASA Centers to extend certain existing contracts through March 31, 2012. ARC submitted the second deviation on March 12, 2012, which the Assistant Administrator for Procurement approved on March 26, 2012, for an extension through March 31, 2013.

ARC submitted the third deviation on December 19, 2012, which the Assistant Administrator for Procurement approved on January 10, 2013, for an extension through January 31, 2014. ARC submitted the fourth deviation on January 16, 2014, which the Assistant Administrator for Procurement approved on January 29, 2014, for an extension through July 31, 2014. ARC submitted the fifth deviation on July 15, 2014, which Assistant Administrator for Procurement approved on July 30, 2014, for an extension through April 30, 2015. ARC submitted the fifth deviation request in March 2015, which NASA Headquarters approved in April 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 fire prevention services while the Fire Prevention Services re-competition can be completed.

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 fire prevention services or a delay in response to fire 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 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	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	12/13/2015	
Start SSA Presentation Slides	07/14/2014	01/07/2015	
Complete SSA Presentation Slides	07/31/2014	03/26/2015	
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	
EVALUATION EVENTS (DISCUSSIONS NECESSARY)			
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	
Complete Source Selection Statement/Decision		07/02/2015	
ANOSCA Signed Locally and Forwarded to HQ		07/07/2015	
Pre-Award Debriefings		07/15-22/2015	
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 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, 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 six-month extension is approximately "FOIA Exemption 5" 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 (CBA) 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. A new CBA agreement for the period October 1, 2014, through September 30, 2015, is still in the negotiation process.

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 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, Centerra Group, LLC, 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 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, Centerra Group, LLC has acquired expert knowledge of ARC's unique and aging 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 six 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 six month extension to the incumbent, Centerra Group, LLC, 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 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(a)(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'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.

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, Centerra Group, LLC is the sole responsible source able to fulfill the critical fire prevention service 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)]

Centerra Group, LLC, is highly qualified to continue performance of the Fire Prevention Services contract at ARC through October 31, 2015, pending award of the follow-on consolidated protective and fire prevention services contract. Overall contract performance--in terms of safety and response time--is well-organized, prioritized, and safely completed on time and within budget. Centerra Group, LLC, has maintained an excellent performance rating during the current term of the Fire Prevention 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 fire prevention services to ARC for the six month performance period extension.

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 fire prevention services pending completion of the follow-on procurement, without generating unacceptable delays and substantial duplication of costs to the Government.

The follow-on procurement has been adequately competed in accordance with procurement policies and regulations for a small business set-aside, and it will not require a justification for other than full and open competition for award. Therefore, there are no actions the agency needs to take to remove or overcome any barriers to competition before subsequent acquisition of these services.

For the foregoing reasons, and pursuant to FAR 6.302-1(a)(2)(iii), Centerra Group, LLC, is the only responsible source to support the requirement for critical fire prevention services at ARC through October 31, 2015.

Requirement Initiator:
Keith Siuda
Contracting Officer's
Technical Representative

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



Signature

03/23/15

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

03/23/2015

Date

CONCURRENCE:

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



Signature

4/8/15

Date

Procurement Officer
Kelly G. Kaplan



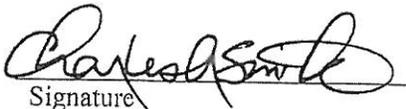
Signature

4/2/15

Date

APPROVAL:

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



Signature

4/13/15

Date