

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
GEORGE C. MARSHALL SPACE FLIGHT CENTER

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (JOFOC)
PURSUANT TO TITLE 10 U.S.C. 2304 (C) (1)

1. This document is a Justification for Other Than Full and Open Competition (JOFOC) prepared by the NASA Marshall Space Flight Center (MSFC) in accordance with Federal Acquisition Regulation (FAR) Part 6.3, Other Than Full and Open Competition, and NASA FAR Supplement (NFS) Part 1806.3, Other Than Full and Open Competition.
2. Nature and/or description of the action being approved:

This justification provides the rationale for contracting by other than full and open competition with URS Federal Technical Services, Inc. (URS) under Contract NNM08AA54C for the acquisition of operations and maintenance of all MSFC facilities and collateral equipment and other related functions. It is recommended that this action be accomplished by extending the Center Operations Support Services (COSS) contract for up to one year and associated contract ceiling increase.

The COSS contract was competitively awarded to URS on May 29, 2008, with a 1-year base and four 1-year options. In addition, a 6-month extension was issued pursuant to FAR 52.217-8, Option to Extend Services, on June 28, 2013, that extended the period of performance from July 1, 2013, through December 31, 2013. A deviation to FAR 17.204/NFS 1817.204 was approved on December 18, 2013, by the NASA Assistant Administrator for Procurement to extend the COSS contract for six months (January 1 – June 30, 2014) pending completion of the follow-on Facilities Operations and Maintenance Support Services (FOMSS) acquisition. A second deviation to FAR 17.204/NFS 1817.204 was approved on June 25, 2014, by the NASA Assistant Administrator for Procurement to extend the COSS contract for an additional four months (July 1, 2014 – October 31, 2014) pending completion of the follow-on FOMSS acquisition. A third deviation to FAR 17.204/NFS 1817.204 was approved on October 30, 2014, by the NASA Assistant Administrator for Procurement to extend the COSS contract for an additional four months (November 1, 2014 – February 28, 2015) pending completion of the follow-on FOMSS acquisition. The remaining extensions were issued pursuant to NASA PIC 00-22 (Class deviation from FAR 17.204(e)) and extended the POP as follows: March 1, 2015, through April 30, 2015, and May 1, 2015, through August 31, 2015. COSS is a Firm-Fixed-Price (FFP) services contract that contains an Indefinite Delivery Indefinite Quantity (ID/IQ) component.

Approval of this action will allow for continuation and stability of these services. This extension will provide time for MSFC to complete the re-competition process for the follow-on FOMSS contract.

3. Description of the supplies or services required to meet the agency's need, including estimated value:

The COSS contract provides operations and maintenance of all MSFC facilities and collateral equipment and other related functions. These activities emphasize supporting the missions of MSFC in a safe, reliable and timely manner, with minimum disruptions to the facility occupants/users. NPR 8831.2, Facilities Maintenance and Operations Management, governs this activity. The ID/IQ component of the contract allows for the management, planning, accomplishment, and quality control for a broad variety of Facility Work Request requirements that supplement the maintenance of facilities and operating systems of MSFC. The total estimated cost of this effort is \$34 million, and it will increase the contract ceiling from \$232M to \$266M. The estimated period of performance is September 1, 2015, through August 31, 2016.

4. Statutory authority permitting other than full and open competition:

This recommendation for approval is made pursuant to Federal Acquisition Authority (FAR) 6.302-1 which implements the authority of 10 U.S.C. 2304(c)(1), for the acquisition of supplies and services from only one responsible source and no other supplies or services will satisfy agency requirements. In accordance with FAR 6.302-1(a)(2)(iii), services may be deemed to be available only from the original source for the continued provision of highly specialized services when it is likely that award to any other source would result in unacceptable delays in fulfilling the agency's requirements. FAR 6.302-1(b)(1)(ii) provides that use of this authority may be appropriate in a situation when there is a reasonable basis to conclude that the agency's minimum needs can only be satisfied by services available from only one or a limited number of sources with unique capabilities.

5. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires the authority cited:

URS is uniquely positioned to continue providing a wide range of engineering, technical and skilled craftsmen to perform operations and maintenance of all MSFC facilities and collateral equipment and other related functions in support of various NASA/MSFC programs and projects. URS has been the COSS contractor for MSFC since 1998, having won the last three competitive procurements. As a result, URS has developed within its management staff a unique knowledge and understanding of the requirements, operations, policies and processes across the various elements of MSFC and their facilities.

Use of URS' existing and proven capabilities will permit the timely execution of significant tasks that are necessary for achieving safe and reliable facilities that support program and mission goals. This JOFOC is for a continuation of ongoing work that is critical for mission success. URS has demonstrated a unique ability to meet the fluctuating requirements for staffing to address a very wide range of operation and maintenance skills required by MSFC.

Currently, COSS provides facility infrastructure institutional support for MSFC and various programs. NASA/MSFC has breakdown and repair responsibility for the facilities infrastructure. The work over the past several years is related to the increasing age of the mission critical buildings and the corresponding facility systems. The COSS contract has also performed work for the Office of Chief Information Officer in communication restorations and upgrades at Michoud Assembly Facility (MAF) which could not have been accomplished under the existing MAF contracts at the time this service was performed.

URS responds immediately to emergency situations in such a manner that all critical functions are completed. An example of this occurred April 2011 due to a significant weather event that resulted in tornado damage to MSFC infrastructure causing a commercial power outage at MSFC. All critical functions were kept on-line and temporary power was provided to the Space Shuttle program to mix a shuttle wing patch which had to be launched with the shuttle or flight would have been delayed.

It is in the Government's best interest to ensure that sufficient skilled resources are available to support critical operation and maintenance of buildings to ensure safe and reliable facilities that support program and mission goals. Approval of this action will guarantee stability in the contractor support of operations and maintenance for facilities at MSFC.

6. Description of the efforts made to ensure that offers are solicited from as many potential sources as practicable:

Pursuant to NASA FAR Supplement 1804.570, this proposed action will be published on the NASA Acquisition Internet Service (NAIS). Additionally, and pursuant to FAR 5.201, this proposed contract action will be synopsisized in the Federal Business Opportunities (FBO). Any responses received as a result of the publishing on NAIS and FBO will be appropriately dispositioned and documented in an addendum to this document. As described herein, the FOMSS acquisition is in process and award of the follow-on to the COSS contract is forecasted to occur within the period of time of the extension sought in this justification.

7. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable:

The COSS contract is FFP and contains an ID/IQ component with that work being authorized by individual task orders. The FFP element principally contains the known, routine preventative maintenance requirements of the Center. It also contains the project management element of the COSS contract. ID/IQ requirements are broken down into two elements – Center-funded facility maintenance/improvements and user-funded maintenance/improvements. Upon approval of this justification, a Request for Proposal will be issued to URS requesting pricing for both the FFP elements of the contract and the labor rates to be applied to the ID/IQ orders during the 12-month extension period. Pricing for the FFP element of the contract will be derived by extending the contract line item prices (only those line items applicable to the proposed period of performance of September 1, 2015 – August 31, 2016) negotiated in the incumbent contract with appropriate escalation for Service Contract Act (SCA) wage determinations (both local area and collective bargaining agreements). In similar fashion, the proposed ID/IQ labor rates will be evaluated to determine whether appropriate escalation (if any) has been applied to previously negotiated labor rates on existing labor categories using applicable SCA wage determinations. The proposed ID/IQ rates will be negotiated and a determination made as to their fairness and reasonableness.

The Government also makes a determination as to fair and reasonable price for the ID/IQ orders at the time a Task Order (TO) is issued. For each requirement that results in ID/IQ work, URS submits a TO proposal based on the scope of work, work schedule, or other factors that the Government deems pertinent. URS' proposal includes a detailed price-estimate that, in part, utilizes the labor rates and related burdens previously negotiated by the parties, proposed period of performance, and any other information required by the TO description of work. Upon receipt of URS' proposal, the Government reviews the proposal for scope, completeness, accuracy, and reasonableness and may accept the proposal as stated or negotiate any aspect of the proposal. A determination by the Contracting Officer that the anticipated price of that individual task is fair and reasonable is required in order for the Government to award a TO.

8. Description of the market survey conducted, and the results, or a statement of the reasons a market survey was not conducted:

No formal market research has been conducted to support this short-term extension of the COSS contract. Knowledge of the market that supports the activities required to support the COSS contract, however, indicate that there is no source capable of immediately providing (for even the brief period of this extension) the critical operation and maintenance requirements, skills and expertise necessary to maintain the mission critical buildings and operating systems required by MSFC. Based on this knowledge of the market place, formal market survey activities will not be pursued to provide the required support services.

9. Other facts supporting the use of other than full and open competition.

Acquisition planning for the re-competition of the COSS contract began in advance of the original expiration date of June 30, 2013. Due to a change in the procurement strategy, the Government exercised its right under FAR Clause 52.217-8, Option to Extend Services, to extend the COSS contract for six months. Further delays impeded the award of the FOMSS contract including an amendment to the RFP and the Government shutdown in October 2013 of almost three weeks.

The FOMSS contract was awarded January 21, 2015. The anticipated effective date of the FOMSS contract was March 1, 2015. The initial award was rescinded and re-competition for the successor contract is currently ongoing.

The proposed extension takes into account the delays described above, the robust competition, and the need to allocate sufficient schedule for the Source Evaluation Board (SEB) to exercise due diligence in the award of the follow-on contract. While waiting for the re-competition effort to conclude, there is no other source positioned to support the operation and maintenance of MSFC buildings and operating systems without substantial risk of unacceptable delays impacting the agency's mission. Failure to extend the period of performance will result in costly delays and serious impacts to urgent operation and maintenance

activities and commitments. These services are mission critical to ensure safe and reliable facilities that support program and mission goals.

10. Sources, if any, that expressed an interest in writing in the acquisition:

In addition to the sources associated with the FOMSS acquisition, there has been one written expression of interest as a result of the NAIS publication or the FBO synopsis has been appropriately dispositioned and documented by addendum to this justification.

11. The actions, if any, the Agency may take to remove or overcome barriers to competition before any subsequent acquisition for the supplies or services required:

The FOMSS acquisition (the follow-on to the COSS contract) is ongoing. The extension described in this justification will enable continued performance of the COSS contract through the completion of the re-competition effort. There is no concern about a lack of competition for these requirements in the FOMSS acquisition. Accordingly, there are no other actions the Agency needs to take to remove or overcome barriers to competition.

For the above reasons, full and open competition is not feasible. Therefore, purchase of the supplies or services from URS is the only practical approach.

I hereby certify the facts in this justification and any supporting data used for this justification are accurate and complete to the best of my knowledge.



Timothy A. Corn, Manager
Facilities Management Office

8/12/15
Date

I hereby certify that the above justification is complete and accurate to the best of my knowledge and belief. In addition, I hereby determine that the anticipated cost to the Government will be fair and reasonable.



Harry E. Craig
Contracting Officer

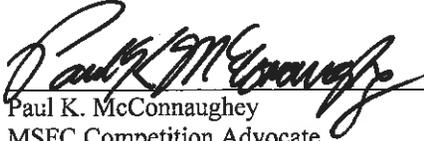
8-12-15
Date

Concurrence:



Kim E. Whitson
Procurement Officer

Aug 17, 2015
Date



Paul K. McConnaughey
MSFC Competition Advocate

Aug 20, 2015
Date

Approved:



Patrick E. Scheuermann
MSFC Director

8/24/15
Date