

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Ames Research Center (ARC)

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
(JOFOC)

For the Protective Services Office Support Services Contract, Contract No.
NNA15BA92C

1. Federal Acquisition Regulation (FAR) 6.303-2(b)(1) – Identification of the agency and the contracting activity, and specific identification of the document as a “Justification for other than full and open competition.”

This document is a justification for other than full and open competition prepared by National Aeronautics and Space Administration (NASA) Ames Research Center (ARC).

The procuring agency is the National Aeronautics and Space Administration (NASA), and the contracting activity is the Procurement Office located at Ames Research Center (ARC). This justification for other than full and open competition (JOFOC) is recorded in the ARC JOFOC log as **JA-FY22-J10**.

2. FAR 6.303-2(b)(2) – The nature and/or description of the action being approved:

This justification provides the rationale for contracting by other than full and open competition to award an extension to contract number NNA15BA92C for six (6) months with American Paragon Protective Services, LLC (APPS). The requested extension is for an additional period of up to six months, as authorized under contract clause, FAR 52.217-8, Option to Extend Services (Nov 1999). The requested extension extends the current period of performance from September 1, 2022, through February 28, 2023, and increases the total potential contract value. The need to ensure the continuation of Protective Services Office services through the acquisition cycle of a follow-on contract necessitates the extension of the period of performance of the current contract.

The Protective Services Office (PSO) Support Services Contract was competitively awarded on July 23, 2015. The PSO Contract consists of a Firm Fixed Price (FFP) Core and two Indefinite Delivery/Indefinite Quantity (IDIQ) Contract Line Item Numbers (CLINs), under which FFP and Time and Material (T&M) task orders are executed. The following support is provided under the PSO Contract: uniformed security operations, infrastructure security, personnel security, international visit coordination, export control, visitor registration and access pass processing, employee badging, dispatch, firefighting, fire prevention and fire protection engineering, aircraft rescue and firefighting, emergency management, and federal law enforcement training. The original contract included the following: a 60-day phase-in period, a contract base period of ten months, and four successive option periods of one (1) year. Including the 60-day phase in period and all four successive option periods, the period of performance for the original awarded contract was September 1, 2015, through August 31, 2020. The performance period was extended through August 31, 2022, after receiving NASA

Headquarters approval of a first deviation request and approval of the first JOFOC by the Head of the Contracting Activity. As part of the extension, FAR 52.217-8, Option to Extend Services, was negotiated and priced for a six-month extension.

3. FAR 6.303-2(b)(3) – A description of the supplies or services required, to meet the Agency’s needs (including the estimated value):

The PSO Contract supports mission-critical emergency services at ARC. The Protective Services Office is largely supported by contractor employees; as such, the Protective Services Office is incapable of completing its mission without the vital services it receives from the PSO Contract. Services under the PSO Contract include, but are not limited to, the following: armed uniform security operations (law enforcement and security), physical security, personnel security, international visit coordination, visitor registration and pass processing, employee badging, 9-1-1 dispatch, fire operations, technical rescue, hazardous materials response, fire prevention, and aircraft rescue and firefighting. The aforementioned services are necessary and vital in enabling the Protective Services Office to fulfill its critical mission of protecting life, environment, and property.

The purpose of this JOFOC is to extend the current PSO contract for six months to provide continued mission-critical emergency services. The six-month period will have four CLINs: two CLINs for CORE (Program Management and Fire Services [for one month]); one CLIN for IDIQ service task orders; and one CLIN for IDIQ/T&M other direct costs and material items. An Agency Wide NASA Fire Services Contract was awarded, and ARC Fire Services will be transferred to the agency contract.

The current contract is a hybrid contract consisting of both Core and IDIQ CLINs. The contract has a total potential value of FOIA Ex. 5. The estimated value of the requirements for the proposed six-month extension is approximately FOIA Ex. 5, which consists of FOIA Ex. 5 for Core and FOIA Ex. 5 for IDIQ requirements. The current contract has a maximum IDIQ value of FOIA Ex. 5, and of this, approximately FOIA Ex. 5 remains available. An increase in IDIQ contract value is not necessary because there is sufficient value remaining on the contract. This JOFOC requests approval to increase the total potential value of the PSO Contract by FOIA Ex. 5, which will be utilized for Core Services. The Government’s total estimated contract value from the award of the original contract through the proposed extended period and all tasks extended, is FOIA Ex. 5.

4. FAR 6.303-2(b)(4) – An identification of the statutory authority permitting other than full and open competition:

The statutory authority permitting other than full and open competition is 10 U.S.C. 2304(c)(1), as implemented by FAR 6.302-1, Only one responsible source and no other supplies or services will satisfy agency requirements.

5. FAR 6.303-2(b)(5) – A demonstration that the proposed contractor’s unique qualifications or the nature of the acquisition requires use of the authority cited:

In accordance with FAR 6.302-1(a)(2), it is determined that the incumbent contractor, APPS, is the only responsible source that can satisfy the Government requirements and no other type of supplies or services will satisfy the agency requirements. APPS has the combined training, experience, and expertise necessary to provide uninterrupted continuation of mission-critical emergency services. Continuity of these services from APPS is necessary to protect to NASA's overall mission. If NASA AMES attempts to procure these services from any other source for this interim period, a break in service will occur which would cause significant disruption, delay, and undue cost that may irreversibly impact the mission.

Failure to extend the contract would result in disruption of critical emergency services support at ARC. The emergency services provided under the PSO Contract are required for the protection of the Government property, life and safety. Competition and award of the required PSO services to another vendor would not be feasible since the follow-on acquisition is in progress. A separate competition and award of the increased requirements to another vendor would neither be feasible nor reasonable given the substantial duplication of cost, which would not be recovered through competition. This does not include the phase-in and learning curve if another vendor is awarded this period of performance increase.

6. FAR 6.303-2(b)(6) – A description of the efforts made to ensure that offers are solicited from as many potential sources as practicable, including whether a notice was or will be publicized as required by Subpart 5.2 and, if not, which exception under 5.202 applies:

A notice to the Government Point of Entry (GPE) website (Sam.gov) was published on August 5, 2022, in accordance with FAR Subpart 5.2. This posting informed potential sources of NASA’s intent to award this sole-source extension to APPS. The results of this synopsis are summarized in Section 10 below.

7. FAR 6.303-2(b)(7) – A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable:

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. The Contractor shall be required to submit a proposal to be evaluated and negotiated by the Government. Prior to execution of the contractual instrument, a proposal analysis will be performed. The proposal analysis will ensure that the final agreed-to price for the contract action is fair and reasonable. The Contracting Officer will ensure the Contractor proposes in accordance with the existing rates in the contract and adjusted only as a result of revisions to prevailing labor rates.

As discussed in Section 3 above, the six-month contract extension would result in an increase to the Core value of the contract. The Contracting Officer will request and evaluate a proposal with certified cost and pricing data for the contract extension in accordance with FAR 15.402(a) and FAR 15.404. The proposal analysis will include a price analysis technique

comparing historical actuals. A cost analysis, to review and evaluate the separate elements of cost, including profit, will be accomplished to determine if the project price is fair and reasonable. Objectives will be developed and documented in Pre-Negotiation Position Memorandums (PPMs) prior to the initiation of negotiations and will be approved in accordance with FAR 15.406 prior to conducting negotiations. Price Negotiation Memorandums (PNMs) will be completed to document settlement agreements after the conclusion of negotiations.

8. FAR 6.303-2(b)(8) – Description of the market research conducted, and the results, or a statement of the reasons a market research was not conducted:

The Contracting Officer and Contracting Officer Representatives (CORs) conducted market research in support of the decision to extend Contract Number NNA15BA92C with APPS, based upon the CORs' technical knowledge of the current PSO Contract requirements and those projected for the extension period.

On August 5, 2022, the Government posted a synopsis on Sam.gov. The purpose of the synopsis was to (1) notify industry of NASA's intent to extend the PSO Contract on a sole source basis and (2) solicit information about interested sources that are capable of providing the required support during the extended period of performance. Interested organizations were invited to submit their capabilities and qualifications in writing. The Government received zero responses from industry.

Additionally, the Contracting Officer and CORs also conducted market research via various Government databases, including the Small Business Administration Dynamic Small Business Search (DSBS) and the NASA Vendor Database (NVD). Searches were performed on each database by utilizing various keywords associated with requirements. However, a review of the resulting capability narratives determined that no one company was capable of providing the full scope of services necessary to perform the requirements of the PSO Contract during the extension period.

9. FAR 6.303-2(b)(9) – Any other facts supporting the use of other than full and open competition:

The COR has determined that APPS is highly qualified to perform the proposed contract extension at ARC through February 2023 and, for the reasons stated herein, is the only responsible source reasonably capable of continuing to provide services for the protection of human and property resources for ARC.

10. FAR 6.303-2(b)(10) – A listing of the sources, if any, that expressed an interest in writing in the acquisition:

A notice of NASA's intent to award this sole-source action was synopsized on the GPE website (sam.gov) per FAR Subpart 5.2 (See Section 6 above). The synopsis provided instructions for interested organizations to submit capabilities and qualifications to perform the requirements to be performed during the six (6) month contract extension. The synopsis was posted on August 5, 2022, for a fifteen-day duration with a response/closing date of August 20, 2022.

The Government did not receive any written capability statement submissions in response to the synopsis.

11. FAR 6.303-2(b)(11) – A statement of 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:

There are no actions the Agency needs to take to remove or overcome any barriers to competition before any subsequent acquisition for these services. ARC is currently in the process of conducting a follow-on competitive procurement for the PSO Contract. This sole-source award of a potential six-month extension to the current PSO Contract is necessary to provide the additional time needed to complete the follow-on competitive procurement while ensuring mission-critical emergency services are uninterrupted. Contract award of the follow-on competitive procurement is expected to occur within the time period of the requested extension.

For the foregoing reasons and to prevent unacceptable delays and substantial duplication of costs in fulfilling the Agency's mission-critical emergency services, APPS is the only one responsible source to support requirements for the proposed six-month contract extension pending award and phase-in of the follow-on contract.

**PROTECTIVE SERVICES OFFICE SUPPORT SERVICES CONTRACT,
CONTRACT NO. NNA15BA92C**

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SIGNATURE PAGE

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

FOIA Ex. 6
Lynn Bala
Technical Representative

I hereby certify that the above justification is complete and accurate to the best of my knowledge and belief.

FOIA Ex. 6
Starr Strong
Contracting Officer

CONCURRENCE:

FOIA Ex. 6
Kurt Straub
Procurement Officer

APPROVED:

FOIA Ex. 6
Carol W. Carroll
Competition Advocate, Ames Research Center