

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION  
NATIONAL NUCLEAR SECURITY ADMINISTRATION  
TECHNICAL RESEARCH, ENGINEERING, AND DEVELOPMENT SERVICES  
(TREDS)  
SOLICITATION NUMBER: 89233121RNA000113**

**I. AGENCY IDENTITY AND CONTRACTING OFFICE**

The Nevada Field Office (NFO) of the U.S. Department of Energy (DOE), National Nuclear Security Administration (NNSA) plans to contract for technical research, engineering, and development services by means of other than full and open competition. The contracting activity is the NNSA Contracting Operations Division (NA-APM-12).

**II. NATURE AND/OR DESCRIPTION OF THE ACTION BEING APPROVED**

This document sets forth the justification and approval of the use of one of the exceptions to full and open competition allowed under the Competition in Contracting Act (CICA) of 1984. This follow-on contract action is for a 5-year sole source acquisition to the Nevada System of Higher Education [doing business as Desert Research Institute (DRI)] to provide technical research, engineering, and development services in support of DOE, NNSA and NFO missions/objectives.

**III. DESCRIPTION OF SUPPLIES AND/OR SERVICES**

To support this effort, DRI will be required to provide technical research, development, and engineering studies and operational support in a number of distinct areas to include: subcritical experiment safety; non-proliferation research; radiation safety; geology; hydrology; paleohydrology; meteorology and climatology; environmental protection, remediation, and monitoring; environmental regulatory compliance; cultural resources and historic preservation; atmospheric sciences; radioactive and non-radioactive transport mechanisms; assistance with consultation with Native American tribes; and community outreach assistance in support of DOE/NNSA activities on the Nevada National Security Site (NNSS), on the Nevada Test and Training Range (NTTR) including the Tonopah Test Range (TTR), and at over 24 community environmental monitoring locations throughout Nevada, Utah, and California. In conducting these activities, interface with other contractors and the public is required to enhance DOE/NNSA credibility regarding its activities related to hydrologic; environmental; atmospheric; and human health issues at the NNSS. These efforts will help ensure that DOE, NNSA, and NFO will meet program and regulatory objectives/requirements.

The total estimated value of this acquisition is approximately \$23.7 Million over five (5) years based on the Independent Government Cost Estimate (IGCE). The estimated cost per year of the contract, based on the IGCE, is as follows:

Base	\$4,522,693
Option 1	\$4,758,267
Option 2	\$4,846,698
Option 3	\$4,717,340
<u>Option 4</u>	<u>\$4,826,309</u>
Total	\$23,671,308

#### **IV. AUTHORITY**

The statutory authority permitting other than full and open competition is 41 USC 3304(a)(1), as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements".

#### **V. APPLICATION OF AUTHORITY**

DRI has a unique capability to perform the varied technical research, engineering, and development requirements needed by the DOE, NNSA, and the NFO. These requirements which are detailed in the Performance Work Statement (PWS) include a wide range of activities which based on market research are not available from any other single source. In particular, the requirements related to the Defense Nuclear Nonproliferation (DNN) program are very specialized and involve unique experiments/activities that inform the Nation's capability to detect nuclear proliferation activities around the world. These activities include, but are not limited to:

- Support objectives relating to DNN projects, including characterization, calibration, geospatial pointing determination, and general state-of-health of all diagnostics, including research, planning, and execution.
- Support developing, identifying, testing, and evaluating emerging technologies, and conducting basic scientific studies for DNN nonproliferation efforts, including research and development of new technologies and support to integrated DNN experiments.
- Provide Subject Matter Experts (SMEs), who will remain cognizant of state-of-the-art technologies, to review proposals submitted in support of DNN by the National Laboratories, Small Business Technology Transfer/Small Business Innovation Research program, and universities and provide written evaluations; to prepare technical reports; and to provide methodical research advice in preparing technical road maps for implementing DNN goals and objectives. Q clearance access may be required.
- Provide identified diagnostics (e.g., seismic, airborne particulates detection including chemical and radionuclides, anemometers, radio

frequency, etc.) and data collection methods to support experiments at the NNSS.

- Research infrared spectroscopy techniques to monitor UF6 gas emissions from nuclear nonproliferation activities. Model and experimentally validate the technique on UF6 and HF detection, leading to a scientific design of a portable apparatus for field use. Engineer, design, and construct prototype for field testing at a future designated location.

## **VI. EFFORTS TO IDENTIFY ADDITIONAL SOURCES**

A Request for Information (RFI) was released on March 5, 2021, and four Statements of Interest were received.

Federal subject matter experts (SMEs) conducted independent market research for additional potential sources for this requirement which included entities from the market research for the previous procurement. One company was contacted directly, and they expressed an interest in this requirement and a willingness to provide a capabilities statement. A capabilities statement was received from this company. While it is likely that multiple DOE/NNSA Management and Operating (M&O) contractors would be capable of performing the PWS, a conscious decision was made by the government to keep this requirement as a non-M&O requirement due to cost, independence, and other factors as discussed in Section IX. below.

A review of the information from the four Statements of Interest and the capability statement submitted by the company directly contacted was conducted and it was determined that only one business would be capable of performing the PWS in its entirety.

A further review for potential small businesses was conducted using the Small Business Administration's (SBA's) Small Business Dynamic Search tool. Key word searches of small businesses in NAICS Code 541715 Research and Development in the Physical, Engineering, and Life Sciences (except Nanotechnology and Biotechnology) and the R&D general nature of business revealed that there were no small businesses capable of performing the work described in the PWS in its entirety.

In addition, Sole Source Synopsis 89233121RNA000113 identifying the Government's intent to award a sole source contract to DRI was posted to Sam.gov and FedConnect on August 23, 2021, and closed September 7, 2021. No companies submitted a response to the Sole Source Synopsis. There was no other interest shown by either large or small businesses in performing this work.

## **VII. DETERMINATION OF REASONABLENESS OF COST OR PRICE**

It is the determination of the Contracting Officer that the anticipated costs will be fair and reasonable based on a price/cost analysis performed utilizing technical cost analysis; evaluation of Defense Contract Audit Agency (DCAA) audit results; an Independent Government Cost Estimate (IGCE); previous historical data; and the addition of a Task Assignment Clause which requires the government to review and approve the contract tasks and estimates each year.

## **VIII. MARKET RESEARCH**

The market research consisted of an RFI, independent market research performed, use of the SBA's Small Business Dynamic Search tool, and posting of Notice of Intent to Sole Source to DRI synopsis in Sam.gov and FedConnect. See details above under Section VI.

## **IX. OTHER FACTS**

The Desert Research Institute (DRI) is part of the Nevada System of Higher Education. As a state entity, DRI is in a unique position to provide independent data to the public, DOE, and NNSA. DRI has no profit motive, and the State of Nevada has regulatory authority over certain work that DOE and NNSA conducts. This unique position along with their reputation and capability allows DRI to provide information and expert reviews that the public, DOE, and NNSA can rely on.

## **X. INTERESTED SOURCES**

See Section VI.

## **XI. STEPS TO FOSTER COMPETITION**

The acquisition for the current DRI contract was done as full and open; however, DRI submitted the only proposal. Prior to the current contract, this effort was awarded on a sole source basis under FAR 6.302-3 Industrial Mobilization; Engineering, Developmental, or Research Capability; or Expert Services, and had been sole sourced to DRI for 40+ years. NNSA maintains a commitment to ensuring competition when practicable, and, prior to making future procurement decisions related to this requirement, the NFO will continue to monitor and assess the state of the market in an attempt to identify other capable, responsible sources.

## **XII. CERTIFICATIONS**

### **Acquisition Initiator/Technical Representative:**

I certify that the facts and representations under my cognizance, which are included in this justification and which form a basis for this justification, are complete and accurate.

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Jeff J. Berger  
Program Analyst and  
Contracting Officer's Representative (COR)

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Date

### **Contracting Officer:**

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

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Ray James Sisneros  
Contracting Officer

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Date

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**Head of Contract Activity or Designee:**

I have reviewed this justification and find it to be accurate and complete to the best of my knowledge and belief. Since this JOFOC does not exceed \$75M, this review serves as approval.

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Teresa M. Martinez  
Acting, Head of Contract Activity

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Date