Justification for Other than Full and Open Competition

1. **Contracting Activity:**

   National Highway Traffic Safety Administration (NHTSA)
   Office of Acquisition Management, 1200 New Jersey Avenue, SE
   Washington, DC 20590.

2. **Description of Action:**

   Justification and approval to use other than full and open competition to award a sole source Indefinite Delivery Indefinite Quantity (IDIQ) contract to the Transportation Research Center, Inc. (TRC) to provide facility use and support services for research and testing activities of the NHTSA's Vehicle Research and Test Center (VRTC).

3. **Description of Services to Meet Agency Needs:**

   This contract is to provide for test facilities, support services, and equipment use necessary for the efficient operation, research, and testing activities of VRTC.

   The facilities include highly specialized test surfaces, crash simulation, full-scale crash testing, and professional and technical services involving vehicle research and testing. The facilities and services required shall be identified by VRTC at the Task Order level.

   A five-year period of performance is anticipated. The total estimated amount of the contract is $190,000,000.

4. **Identification of the Statutory Authority Permitting Other Than Full and Open Competition:**

   The statutory authority for the proposed contract with TRC is 41 U.S.C. 3304(a)(1), as implemented by FAR Subpart 6.302-1, "Only one responsible source and no other supplies or services will satisfy agency requirements."

   Accordingly, FAR Subpart 6.302-1(a)(2), states that an exception may be made "when the supplies or services required by the agency are available from only one responsible source… and no other type of supplies or services will satisfy agency requirements, full and open competition need not be provided for."

5. **Demonstration that the Proposed Contractor's Unique Qualifications or the Nature of the Acquisition Requires Use of the Authority Cited:**

Based on NHTSA's market research, TRC is currently the only independent (non-Automotive Industry owned/operated) automotive testing facility sufficiently equipped to fulfill all research requirements of VRTC. The combination of facilities TRC provides are not available anywhere else within the United States. These facilities include, but are not limited to, the Crash Test Facility, HYGE sled (HYGE is a specific design specification, not an acronym), a 50-acre Vehicle Dynamics Area, Brake Soak, Brake Slope, Skid Pad, Vehicle SmartCenter and 7.5-mile High Speed Test Track; all located at a single site. Additional facilities, that may be utilized by VRTC personnel within the 5-year timeframe but which are currently under construction including: Wind Tunnel, Radio Antennae Lab, Indoor Winter Test Facility, etc.

In addition, TRC has implemented the capability to allow the safe and efficient movement of anthropomorphic test devices, environmentally maintained space for storage of the dummies and parts, and other test specific requirements have also been accomplished. Various measurement and impact test devices have been integrated into the existing facilities leased from TRC which would be difficult, complex, and highly expensive to duplicate or move. These include multiple dummy calibration pendulums, a pedestrian leg impactor, a head-to-vehicle interior impact device, a chassis dynamometer, and other pieces of large, complex and expensive equipment. Many of these devices are being developed or used in direct support of on-going rulemaking actions with the agency. Duplication of these costs (inflated accordingly) would be required if VRTC were not at the TRC location. Support services and extensive experience to operate and maintain these unique capabilities are provided by TRC.

Based on NHTSA's market research, TRC continues to be the only test site that is available for use by external sources/customers. This includes, but is not limited to, automobile manufacturers, dealerships, racing teams, equipment manufacturers, State Highway Patrol, U.S. Post Office, construction companies, federal/state government, etc. Any entity that has a need to test their vehicles or equipment using TRC facilities or services can do so for a fee. The 24" HYGE sled available for commercial use, a crash test facility with two-car moving capability as well as higher weight capability to allow for truck and bus testing, state-of-the-art data acquisition, and professional expertise in the traffic safety engineering disciplines are just some of the areas that are attractive to TRC customers.

Accordingly, no other independent test facility offers the unique combination of services, facilities, and support necessary to fulfill the research and testing requirements of VRTC. Additionally, efforts by the government to independently recreate or construct a similar facility would be prohibitively expensive.

6. Efforts Made To Obtain Competition, and Whether a Notice Was or Will Be

Publicized as Required by FAR Subpart 5.2 and, If Not, Which Exception Under FAR 5.202 Applies:

A synopsis of the proposed contract was prepared for the Government-wide Point of Entry in the form of a Sources Sought Notice that was posted to beta.SAM.gov in accordance with FAR 5.201 on November 10, 2020, which stated the agency's intent to award a contract to TRC on a sole source basis, and invited any other interested parties to submit a Statement of Qualifications to NHTSA's Office of Acquisition Management for evaluation and consideration. This notice closed on November 30, 2020 resulting in no Corporate Capability Statements being received in response from any interested parties.

7. **A Determination by the Contracting Officer That the Anticipated Cost to the Government Will Be Fair and Reasonable:**

The Small Business Specialist (SBS) checked for any detailed acquisition history that could be found within either the program and/or acquisition offices to look for any relevant facts concerning past efforts to acquire these or similar services for the agency. The acquisition history shows that NHTSA has utilized the services of Transportation Research Center, Inc. (TRC) and the Vehicle Research and Test Center (VRTC) facility located in East Liberty, Ohio for over 40 years to conduct scientific and technical activities. This facility is where NHTSA's requirements for Federal Motor Vehicle Safety Standards (FMVSS) testing for safety-related defects are primarily performed.

Given the fact that the VRTC has more than 40 years of historical acquisition data, the cadre of engineers to develop independent Government estimates throughout the contractor's performance period, and the plan to negotiate the indirect rates for this contract, NHTSA OAM will utilize the following cost analysis techniques in order to ensure the Government will receive fair and reasonable prices IAW FAR 15.404-1(c)(2)(i).

1) Projection of the offeror 's cost trends, on the basis of current and historical cost or pricing data
2) Reasonableness of estimates generated by appropriately calibrated and validated parametric models or cost-estimating relationships
3) The application of audited or negotiated indirect cost rates, labor rates, and cost of money or other factors

8. **A Description of the Market Research Conducted and the Results or a Statement of the Reason That Market Research Was Not Conducted:**

An examination of all vehicle research and test facilities was conducted. Requirements included locations within the United States, and independent (from automotive industry) ownership and operation. A prospective Offeror must have the required equipment, facilities, experience and personnel; all located in a single

locality for efficient coordination and accessibility by government personnel. All these facilities and services must be available on an as-needed basis to be fully responsive to the government's requirements.

Examples of independent (i.e. non-auto manufacturer owned/operated) facilities examined for possible supply of facilities, services and expertise include (but are not limited to) the following:

- Nevada Automotive Test Center (Carson City, NV)
- Mcity (Ann Arbor, MI)
- Karco Engineering (Adelanto, CA)
- MGA Research Corporation (Burlington, Wisconsin)
- Calspan Corporation (Buffalo, New York)

Of the facilities that offer all services and expertise required by VRTC in a single location, only auto manufacturer owned/operated facilities and TRC provides the complete combination. As NHTSA cannot contract the required work with a facility owned/operated by an organization which the agency regulates (automotive industry manufacturers), TRC continues to be the only available facility to have the extensive vehicle testing facilities required by NHTSA researchers. Based on NHTSA's market research, TRC is the only known public entity (not a vehicle manufacturer which is regulated by NHTSA) that offers the required, state-of-the-art test facilities, equipment, expertise, and personnel for use by the government and which are available on an "as needed basis". The government cannot afford to replicate the facilities located at TRC and maintain them for anywhere close to the cost of using them on an "as needed" basis as provided by TRC.

In addition, VRTC has served as NHTSA's in-house research, development, test and evaluation laboratory as well as the principal place of performance for applied research to develop performance criteria for new vehicle safety countermeasures, including objective performance tests and associated testing procedures. No small businesses would be suitable for award of this project due to the size and scope/magnitude of the work involved. Furthermore, this facility is secured through a GSA lease for a specified period of time typically at least 10 years or longer and finding a comparable sized facility with all of the specialized equipment and personnel to conduct the volume of tests required for all new model year vehicles is not likely to be matched through competition. Additionally, the acquisition team gave consideration to the following Government owned facilities:

1) The Federal Highway Administration's Turner-Fairbank High Research Center (TFHRC)
2) The Federal Railroad Administration's Transportation Technology Center (TTC)

While these facilities are excellent in studying both concrete, asphalt mixtures, granular base course application, and railroad systems issues they are not currently set up to handle the types of biomechanics and trauma, crashworthiness, and driving simulation testing that is currently required under this acquisition. In particular neither of the aforementioned facilities are currently studying, or have the facilities to study, identify and measure behaviors involved in crashes or associated with injuries, and develop and refine countermeasures to deter unsafe behaviors.

As long as VRTC remains at East Liberty, Ohio, a Facility Use and Support Services Contract with TRC will be required. Use of the test facilities, surfaces, and equipment is the primary reason for VRTC being at TRC. Testing and research that must be done within NHTSA, by government researchers, including support of rulemaking initiatives, defects analysis, long-term research, and anthropomorphic test device development, dictates daily use of the type of facilities and test surfaces that TRC offers.

Because of VRTC's hands-on research and testing activities, use of both long-term and short-term services, and frequently numerous modifications to test - procedures to achieve desired outcomes, a supplier within the local proximity is essential. This contract is for interactive activities and end-product final deliverables.

9. Any Other Facts Supporting the Use of Other Than Full and Open Competition:

Nearby Facilities:

The Ohio State University (OSU) works with VRTC to mentor and foster future leaders through its Center of Excellence in Motor Vehicle Safety. The ability of OSU faculty and students to work interactively with VRTC professionals in the state-of-the-art facilities at TRC further enhances the interest and promotion of motor vehicle safety as a career.

GSA Lease for Facilities:

A stand-alone building at TRC (Building 60) is currently leased from TRC by GSA (OA# AOH06168) for use by VRTC; which is for 20 years (10/01/2017 - 9/30/2036). The building is a 63,000-square foot research and test facility comprised of office space, high-bay vehicle preparation and test areas, component and full-vehicle test laboratories, a central computer network, and a 5,000-square foot non-heated storage barn. It has a TRC installed, maintained, and monitored security system that meets HSPD-12 security requirements. Only VRTC federal employees and full-time contractor staff are permitted access to the VRTC facility unless special permission is granted.

Replacement Costs:

The facilities available to the government on an "as-needed" basis at TRC are state-of-the art facilities. It would cost nearly $400 million to replicate the resources of TRC and VRTC. TRC spends on average $10 million per year on capital improvements to upgrade and maintain the facilities. The advantage of this arrangement to the government in residing on a non-government owned facility is that it saves the government considerable money in maintenance of facilities that would not be required by the government on a full-time basis. The sharing of the facilities spreads the maintenance cost to all users and thus represents the best value for the in-house research and testing requirements of the agency.

10. A listing of the sources, if any, that expressed, in writing, an interest in the acquisition:

To date, no other sources have written to express interest in the requirement. The notices required by FAR Subpart 5.201 shall be published to the Government Point of Entry (GPE), and any proposals received shall be considered.

11. 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:

A single facility is required for local coordination and access purposes. Where practical, services not covered under the proposed action will be contracted separately; encouraging the development of facilities to accommodate the providing of these services.

In the course of these activities, VRTC continues to remain very aware of facilities and their offerings around the country; to ensure that if any other organization is willing to invest in, and develop a comparable facility, that proper competition may be entered into in the future.

12. Contracting Officer Certification That the Justification Is Accurate and Complete to the Best of the Contracting Officer's Knowledge and Belief:

As confirmed by the signature below, the Contracting Officer hereby certifies that the facts and representations included in this justification are accurate and complete to the best of his knowledge and belief.

Requisition: 693JJ921RQ000044
TITLE: Facility Use and Support Services for the Vehicle Research and Test Center (VRTC)
COR: Joseph Campbell
Date: 02/17/2021

SIGNATURES

CERTIFICATION – REQUIRING ACTIVITY/PROGRAM OFFICE

In accordance with FAR 6.303-2(c), I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

JOSEPH P CAMPBELL

Digitally signed by JOSEPH P CAMPBELL
DN: c=US, o=U.S. Government, ou=Department of Transportation, ou=463810, cn=JOSEPH P CAMPBELL
Date: 2022.01.07 14:44:23 -05'00'

01-07-2022

Joseph Campbell
Contracting Officer's Representative

Date

CERTIFICATION – CONTRACTING OFFICER

Based on the foregoing justification, the use of Other than Full and Open Competition procedures is hereby considered appropriate for the proposed contract to TRC pursuant to the authority of FAR 6.303-2(b)(12).

Reba Dyer

Digitally signed by Reba Dyer
Date: 2022.01.10 06:43:20 -05'00'

Reba Dyer
Contracting Officer

Date

NHTSA

Requisition: 693JJ921RQ000044
TITLE: Facility Use and Support Services for the Vehicle Research and Test Center (VRTC)
COR: Joseph Campbell
Date: 02/17/2021

CERTIFICATION – ADVOCATE FOR COMPETITION

Based on the foregoing justification, the use of Other than Full and Open Competition procedures is hereby considered appropriate for the proposed contract to TRC pursuant to the authority of FAR 6.304(a)(2).

HECTOR O HUEZO Digitally signed by HECTOR O HUEZO Date: 2022.01.10 13:38:19 -05'00'

Hector Huezo — Date
NHTSA Competition Advocate

CERTIFICATION – HEAD OF PROCURING ACTIVITY

Based on the foregoing justification, the use of Other than Full and Open Competition procedures is hereby considered appropriate for the proposed contract to TRC pursuant to the authority of FAR 6.304(a)(3).

RACHEL MILBERG Digitally signed by RACHEL MILBERG Date: 2022.01.13 12:25:42 -05'00'

Rachel Milberg — Date
NHTSA Head of Contracting Activity

APPROVED – SENIOR PROCUREMENT EXECUTIVE

I certify that statements and information provided above are complete and correct to the best of my knowledge. In accordance with FAR 6.304(a)(4) approval for this sole source procurement is granted, as the facts of this acquisition preclude the use of full and open competition.

WILLIE HERBERT SMITH Digitally signed by WILLIE HERBERT SMITH Date: 2022.04.25 16:53:00 -04'00'

Willie Smith — Date
DOT Senior Procurement Executive (SPE)

NHTSA