

FINDINGS AND DETERMINATIONS

Under Section 302(c)(10) of the Federal
Property and Administrative Services
Act of 1949, as Amended

Upon the basis of the following findings and determination, the proposed procurement may be negotiated without formal advertising pursuant to the authority of 41 U.S.C. 252(c)(10) as implemented by paragraph 1-3.210(13) of the Federal Procurement Regulations.

Findings

In accordance with the requirements of FPR Part 1-3, I make the following findings:

1. The Nuclear Regulatory Commission proposed to procure by negotiation services to analyze safeguards needs for transport of high level waste.

The services will support the Office of Nuclear Material Safety and Safeguards.

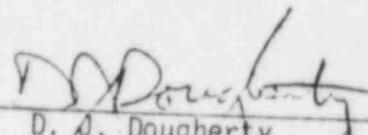
2. Procurement by negotiation of the above described services is necessary because solicitation of technical proposals specifying the skills, knowledge, experience and technical approach of the offerors is required in order to determine which offerors are technically qualified to perform the work and which offeror to select for award.
3. Use of formal advertising for procurement of the above described services is impracticable because it is not possible to draft, for the solicitation of bids, specifications which adequately describe the work to be accomplished. Only the ultimate objectives and general scope of work is known at this time.

Determinations

The proposed contract is for services for which it is impracticable to obtain competition by formal advertising.

11/10/80

Date


D. J. Dougherty
Contracting Officer

STATEMENT OF NON-PERSONAL SERVICES

1. Nature of Work *Carry out study to establish whether there is a need to safeguard shipments of high level waste against malevolent acts and if such a need does exist, to establish a technical basis for comprehensive regulations for safeguarding the shipments.*

2. Factors Relevant to Personal/Non-Personal Services Are As Follows:

a. Does the contractor have specialized knowledge or equipment which is unavailable to the Government?

Yes ☒

No ☐

(If yes, explain.) *Range of specialized knowledge needed in regard to high level waste technology, sabotage capabilities, and health. Not available within current organization and commitments of the NRC.*

b. Will this requirement circumvent personnel hire ceiling?

Yes ☐

No ☒

c. Does this service call for the exercise of personal judgment and discretion on behalf of the Government?

Yes ☐

No ☒

(If yes, explain.)

d. Are the services to be performed continuing, short term, or intermittent?

Short term

e. Will the Government specify the qualification of, or reserve the right to approve individual contractor employees?

Yes ☒

No ☐

(If yes, explain.) *Qualifications of key personnel who would carry out the contract are an important factor in initial award of contract. See "Evaluation Criteria" section of RFP package.*

- f. Will the Government assign tasks to and prepare work schedules for contractor employees?

Yes _____

No ✓

(If yes, explain.)

- g. Will the Government retain the right to supervise the work of the contractor employees, either directly or indirectly?

Yes _____

No ✓

(If yes, explain.)

- h. Will the Government reserve the right to supervise or control the method in which the contractor performs the service, the number of people he will employ, the specific duties the individual employees, and similar details?

Yes _____

No ✓

(If yes, explain.)

- i. Will the Government review performance by each individual employee, as opposed to reviewing a final product on an overall basis after completion of the work?

Yes _____

No ✓

(If yes, to what extent?)

- j. Will the Government retain the rights to have contractor employees removed from the job for reasons other than misconduct or security?

Yes _____

No ✓

(If yes, explain.)

k. Will the service be properly defined as an end product?

Yes ☒

No ☐

l. Will the contractor undertake a specific task or project that is definable at the time of inception, at some point during performance, or will it be defined on a day-to-day basis?

Work to be carried out is defined at inception of project.

m. Will payment be for results accomplished or solely according to time worked?

Payment will be for results accomplished.

n. Will the Government furnish the office or working space, facilities, equipment, and supplies necessary for contract performance?

Yes ☒

No ☐

(If yes, to what extent?) *Gov't will likely make available certain computer codes and use of computer only.*

o. Will Government employees be used interchangeably with contractor personnel to perform the same function?

Yes ☐

No ☒

(If yes, to what extent?)

p. Will contractor employees be integrated into the Government's organizational structure?

Yes ☐

No ☒

(If yes, to what extent?)

DATE Nov 10, 1980

Signature Carl B. Sawyer

Name CARL B. SAWYER

Title SEP Chairperson

DETERMINATION OF NON-PERSONAL SERVICES

I hereby determine the requirement set forth in Paragraph 1 above involves services that are non-personal in nature.

Date: 11/12/80

D. A. Dougherty
Contracting Officer