[redacted]

Justification for an Exception to Fair Opportunity or to Use Brand-Name Restriction

Is this a brand-name justification? ☐ Yes ☒ No

Is this a Bridge Action as defined in the AF Bridge Action Reduction Plan? ☐ Yes ☒ No

Contracting Activity: United States Space Force
Space Systems Command/CMK (COMSO)
14850 Conference Center Drive
Chantilley, VA 20151

Purchase Request / Local ID Number: 26-03

Program Name (and Program Element, if applicable): [redacted] Aviation PLEO Service and Terminals (SBS005504)

Estimated Cost/Price of the Order (including options): [redacted]

Type Program (see DAFFARS 5302.101 for definitions): ☒ PEO Program ☐ Operational ☐ Enterprise

Type of Determination: ☒ Individual ☐ Class Expires: [click and select]

Fair Opportunity Exception: FAR 16.505(b)(2)(i) (Check the applicable subparagraph below.)

☐ (A) ☒ (B) ☐ (C) ☐ (D) ☐ (E) ☐ (F) ☐ (G) Check this box to display the FAR 6.302 exceptions.

Click here for instructions to complete the boxes below.

(1) Contracting Activity:

United States Space Force (USSF)
Space Systems Command/CMK (COMSO)
14850 Conference Center Drive
Chantilley, VA 20151

(2) Nature and/or description of the action being approved:

The purpose of this Fair Opportunity Exception (FOE) is to obtain approval for awarding a Firm-Fixed-Price (FFP) task order (TO) under the Proliferated Low Earth Orbit Satellite-Based Services Multiple Award Contract (MAC) vehicle to SpaceX via ID/IQ [redacted] for the procurement of Proliferated Low Earth Orbit (PLEO) Commercial Satellite Communications (COMSATCOM) terminal equipment, packaged and operational customer specific services for groups of terminals supporting [redacted] aviation and non-aviation operations, other [redacted] users, and additional mission partners.

Anticipated Period of Performance
Base Period.....(FY26) - December 5, 2025 to December 4, 2026.....[redacted]
Option Period 1..... (FY27) - December 5, 2026 to December 9, 2027.....[redacted]

(3) Description of the supplies/services required to meet the agency's needs:

The agency requires the procurement of specialized commercial services and accompanying hardware to support its critical mission operations. The required items include:

1. Operational Packaged PLEO Service (Starshield service plans to support non-aviation operations using the terminal hardware described below.)
Quality Requirements:
- The Government requires both Starshield service plans with monthly data caps and service plans with no monthly data caps.
- The service shall provide high throughput, low latency data connection anywhere on the globe (subject to licensing constraints).

[redacted]

2. Operational Customer Specific PLEO Service (Starshield group service plans to support [redacted] operations using the Starshield terminal hardware described below.)
Quality Requirements:
- Contractor shall provide Starshield service plans for groups of terminals, with monthly data caps and no monthly data caps.
- The service shall provide high throughput, low latency data connection anywhere on the globe (subject to licensing constraints).

[redacted]

3. Starshield Aviation PLEO Terminals

3a. Starshield Aeroterminal - Tile Mini Antenna

[redacted]

3b. Starshield Aeroterminal - Tile Antenna

[redacted]

3c. Starshield Aeroterminal - Full Kit

[redacted]

4. Starshield non-aviation PLEO Terminal

[redacted]

Quality Requirements: [redacted] mission partners have an operational need for terminals to provide Starshield service [redacted] This task order shall provide high throughput Starshield terminals for non-aviation use cases.

[redacted]

These items are essential for the agency to achieve its mission objectives, providing the necessary technological advancements and operational capabilities. The unique and specialized nature of these supplies and services ensures that they meet the highest standards of quality and performance required by the agency.

(4) Identification of the exception to fair opportunity and the supporting rationale:

This section provides the justification for invoking the exception to fair opportunity under FAR 16.505(b)(2)(i)(B), which states that an exception is permissible when "only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized." The following analysis includes a detailed assessment of the unique requirements, comprehensive market research, and a review of alternatives to support this justification.

1. [redacted] Unique and Highly Specialized Equipment

a. (U) The requirements identified in section 3 support the acquisition and operation of highly specialized equipment ([redacted] Antenna) developed under a [redacted] project leveraging SpaceX commercially available equipment and services. Additional terminals, antennas, and Starshield packaged services are part of the full system necessary to test, integrate, and operate the highly specialized equipment. The initial development and production efforts for this [redacted] project were initiated under an Undefinitized Contract Action (UCA) awarded to SpaceX on April 25th, 2024. This UCA allowed SpaceX to commence work immediately upon award, rather than waiting for the formal definitization of the contract, thereby expediting the project timeline and ensuring timely progress for this highly specialized equipment sought after by the agency. The contract was subsequently fully definitized and awarded on December 19th, 2024, solidifying the terms and conditions underwhich SpaceX would continue their development work. It is important to note that the full details of this [redacted] effort are classified, and thus, specific information regarding the project's scope and objectives cannot be disclosed.

b. [redacted] The primary goals of the aforementioned development effort are centered around creating a versatile and efficient [redacted] aperture design that meets the needs of various Department of Defense (DoD) platforms for PLEO Starshield service. The aperture is equated to the Sharshield mini. This specific aperture design, in its smaller size aims to be low-cost, low size, weight, and power-cost (SWAP-C), capable of rapid fielding, and suitable for high production rates while meeting the required [redacted] standards. [redacted]

c. [redacted] Furthermore, the project seeks to provide high bandwidth, low latency Ku-band communication capabilities, [redacted] Additionally, the effort aims to develop low-power- low-throughput, low probability of intercept/detection (LPI/LPD) S-band communication capabilities, [redacted] These capabilities are designed to be affordable while meeting stringent performance requirements.

d. [redacted] The development effort also includes qualification to the most demanding cross-platform environmental requirements, making the general provision of low earth orbit satellite services available across many military aircraft for which the previously available apertures did not meet the appropriate specifications.. [redacted]

e. [redacted] Prototype unit deliveries are planned for a range of platforms, [redacted] These deliveries will facilitate

comprehensive testing and integration across various military aviation and other DoD platforms.

f. (U) Currently, the only potential alternative solutions available for Proliferated Low Earth Orbit (PLEO) service to aviation platforms are OneWeb-compatible terminals and services. Market research indicates that no OneWeb-compatible aviation terminals have been tested to [redacted] standards suitable for military aviation use. Additionally, these terminals do not match the SWAP specifications of the Starshield Tile Mini, as they are significantly larger. Thus, OWT is not a beneficial option to the Government on the basis that cross-platform capabilities would be lost or degraded, in addition to being unable to meet the required [redacted] standards.

g. (U) The Starshield service utilizes the Starlink network, which is both owned and managed by SpaceX. As a commercial PLEO SATCOM service, the government lacks the authority to mandate SpaceX to allow third parties to create terminals compatible with Starshield. Nevertheless, the Starshield service, offered over the Starlink satellite constellation, provides the most comprehensive global coverage, highest data rates, and lower pricing compared to alternatives, making it the best value for the government. Additionally, SpaceX is deploying Starshield-specific points of presence, which will offer significant advantages to U.S. mission partners connecting to the Department of Defense Information Network (DoDIN) as of late 2025.

2. Substantial Duplication of Cost

a. To acquire the highly specialized equipment at the heart of these requirements from another source would involve substantial duplication of cost and unacceptable delays. [redacted] mission partners have made significant investments to develop this capability, leveraging a cost-sharing approach among [redacted] mission partners, [redacted] The total expenditures to cover Research, Development, Test, and Evaluation (RDT&E) and prototypes for the Tile Mini development amount to [redacted]

b. As a result of the investment over the past 18 months, SpaceX was able to develop a smaller, more rugged PLEO aviation terminal suitable for use on a range of military aircraft including tactical fighter jets. Developing another source for this capability would necessitate repeating this substantial investment. If an alternate source is unwilling to operate on a cost-sharing basis, the financial burden on the government to fully fund such a development would be significantly high, estimated to be potentially double the original figure.

c. However, even with the replication of this investment to produce a potential OneWeb terminal similar to the SpaceX Starshield Tile Mini, the additional investment and delays would not result in an equivalent capability. The Starshield service, offered by SpaceX over their Starlink constellation, provides the most nearly global coverage, the highest data rates, and lower pricing compared to alternatives, making it the best value to the government. In addition, SpaceX is now (late 2025) deploying Starshield specific points of presence that will offer advantages to U.S. mission partners connecting to protected government networks. Making an alternative PLEO service equivalent to Starshield would require significant additional investment in the satellite constellation and supporting technology and may not be technically feasible.

d. The above historical investment is the best estimate available of the cost to replicate necessary testing, certification, interoperability evaluations, qualification of alternate hardware/software, and any rework of validation. However, the estimate is based on significant cost-sharing by the contractor. Without cost-sharing, the development cost to the government is estimated to be at least twice the original capital investment, projected at [redacted] and climbing as SpaceX continues to advance its lower cost, lower weight, cross-platform commercial capabilities.

3. Unacceptable Delays

a. [redacted] and other mission partners have aircraft installations planned for early CY2026 and beyond. The capabilities sought in this task order will enhance [redacted] mission partners' ability to counter threats from peer and near-peer adversaries by providing ongoing and increased access to Starshield Global Access service. The task order will also expand the availability of that service to smaller aviation platforms that do not have space for the larger Starshield aviation apertures.

b. Lack of continued access to the Starshield Global Access service and supporting terminals would have an immediate and adverse impact on mission readiness. [redacted] A disruption in service availability would degrade communication capabilities, reduce

situational awareness, and impair the ability to execute assigned missions effectively.

c. Transitioning to a new provider would necessitate the development and procurement of new terminal hardware, integration of new service architectures, and retraining of operational personnel. This would result in significant delays (1-2 years or more) and additional costs. Such a transition would create unacceptable operational gaps during a period of increasing demand for resilient and reliable PLEO communication capabilities in contested and austere environments

(5) Contracting Officer's determination that the anticipated cost to the Government will be fair and reasonable:

The Contracting Officer has determined that the anticipated cost to the Government is fair and reasonable based on a comprehensive review of historical pricing, the Independent Government Cost Estimate (IGCE), and current market conditions.

The proposed price is consistent with prior acquisitions of similar scope and complexity, accounting for inflationary trends and scope adjustments. The incumbents pricing reflects efficiencies gained through prior development, integration, and qualification work, thereby eliminating the duplicative testing, engineering, and certification costs that a new source would inevitably incur. Considering the technical specialization, continuity of performance, and cost avoidance associated with this procurement, the Contracting Officer concludes that the proposed pricing represents the lowest overall cost to the Government consistent with timely mission execution and prudent stewardship of taxpayer resources.

(6) Other facts supporting the justification:

N/A

(7) Actions the agency may take to remove or overcome any barriers to increasing fair opportunity before any subsequent acquisition for the supplies or services:

In April 2025, CSCO released a RFI through DITCO (No. 3528) to encourage the PLEO community to provide feedback to the Government regarding commercial investments in their infrastructure that could evolve their PLEO capabilities and provide more of a competitive environment for Starshield services. To promote competition in future acquisitions, the following actions are planned to reduce or eliminate current barriers to fair opportunity. The program office will assess and document all technical, data-rights, and configuration factors that limit competitive participation. Where practicable, efforts will be made to obtain Government purpose rights to essential technical data, establish open interface standards, or develop data packages sufficient for future competitive procurements.

Early market research will be conducted to identify qualified alternative sources and determine their capability to perform equivalent work, as technology available on the PLEO MAC IDIQ continues to evolve. SSC intends to on-ramp current awardees new offerings annually and on-ramp new awardees in the future to improve the availability of fair opportunity efforts. This may include issuing Requests for Information (RFI's), sources sought notices, and conducting industry exchanges to gauge interest and technical maturity.

These actions will be incorporated into acquisition planning to ensure that any future requirements are structured to increase fair opportunity to the maximum extent practicable while maintaining continuity of operations.

(8) Program Manager's certification that supporting data is accurate and complete:

As evidenced by my signature below, I certify that any supporting data contained herein, which is my responsibility, is both accurate and complete.

(9) Contracting Officer's certification that the justification is accurate and complete:

As evidenced by my signature below, I certify that the justification is accurate and complete to the best of my knowledge and belief.

Justification for an Exception to Fair Opportunity or to Use Brand-Name Restriction

(10) Approving Official's determination that one of the circumstances in FAR 16.505(b)(2)(i) applies to the order.
As evidenced by my signature below, I hereby determine that the fair opportunity exception checked on page 1 applies.

Date 29 Oct 2025	Program Manager [redacted]	Signature [redacted]
Date 29 Oct 2025	Contracting Officer [redacted]	Signature [redacted]
Date 05 Nov 2025	Local Legal Reviewer [redacted]	Signature [redacted]
Date 05 Nov 2025	Chief of the Contracting Office (COCO) [redacted]	Signature [redacted]
Date 24 Nov 2025	Competition Advocate [redacted]	Signature [redacted]
Date 01 Dec 2025	Approval Authority [redacted] SSC/PK	Signature [redacted]

Justification for an Exception to Fair Opportunity or to Use Brand-Name Restriction

Instructions for Completing the Template IAW FAR 16.505(b)(2)(ii)(B)

(2) State whether the action is a new order or a modification to an existing order. Identify the basic multiple award contract number and the order number for the current action. Also identify the type of the order/line items on the order (e.g., Firm Fixed price, Cost Plus Fixed Fee, etc.).

(3) Specifically describe the supplies/services to be acquired including the price/cost and quantity of each item in the order and the total estimated value of the order. For services, state whether services are performance-based, and if not, provide rationale for not being performance based. State the delivery/performance schedule/period for the items under the order. Explain how the requirement/order fits under the scope of the basic multiple award contracts. (Note: The Contracting Officer must ensure that the order is issued within the period of performance and within the maximum value of the contract).

(4) Include the appropriate exception from FAR 16.505 (b)(2) and the supporting rationale. FAR16.505(b)(1)(i) requires the Contracting Officer to provide each awardee under a multiple award contract, a fair opportunity to be considered for each order exceeding $3,000 unless a statutory exception applies. The specific exception that precludes the fair opportunity process for this acquisition is FAR 16.505(b)(2)(i)(__) [Insert A,B, C, D, or E]. If a brand name product description is being justified, use this section to explain why the particular brand name, product, or feature is essential to the Government's requirements and why other companies' similar products/services do not meet, or cannot be modified to meet, the agency's needs.

FAR 16.505(b)(2)(i)(A): "The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays". When using this exception provide a detailed justification with supporting documentation that explains the exact urgency of the requirement and the mission impact if awarded to any other contractor. The user/customer typically provides this supporting information. Recommend attaching supporting documentation to the back of the document. General statements of urgency are not acceptable.

FAR 16.505(b)(2)(i)(B): "Only one awardee is capable of providing the supplies or services required at the level at the level of quality required because the supplies or services ordered are unique or highly specialized". When using this exception provide a detailed justification, with supporting documentation, as evidence of the "unique or highly specialized" nature of the procurement. The user/customer typically provides this supporting information. Supporting documentation may be attached to the back of the document. General statements are not acceptable.

FAR 16.505(b)(2)(i)(C): "The order must be issued on a sole-source basis in the interest of economy and efficiency as a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order". When using this exception provide information on the previously competed order under this contract and detail the economies and efficiencies that will be obtained by going sole source for the follow-on order. The user/customer typically provides this supporting information. General statements are not acceptable.

FAR 16.505(b)(2)(i)(D): "It is necessary to place an order to satisfy a minimum guarantee."

FAR 16.505(b)(2)(i)(E): "For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source."

Discuss the market research that was conducted by the user/technical team/contracting officer among the supplies/services of all awardees that resulted in the conclusion that a fair opportunity exception applied. The narrative in this section should provide a high level of confidence that the requirements of FAR 16.505(b)(1) and DFARS 216.505-70 could not be met. If no market research was conducted, state so and provide the rationale. If any other awardee expressed interest in fulfilling the requirement, but was not considered a potential source, explain why that awardee cannot provide the required supplies/perform the service.

If the use of a brand name purchase description is being justified, the market research should include an analysis of any industry proposed alternative products or approaches to meeting the requirements. Additionally, the Government's efforts to identify as many potential sources as practicable offering the required brand name item(s) should be addressed.

(5) This paragraph needs to be tailored based on the types of CLINs in the order and the pricing arrangements on the basic multiple award contract. If the contract did not establish the price for the supply or service, the Contracting Officer must establish prices for each order IAW FAR 15.4. The paragraph needs to describe the steps that will ensure that the prices/estimated cost of the order will be fair and reasonable. For example, even if firm-fixed prices were obtained under adequate price competition in the award of the multiple award contract, the Contracting Officer still needs to consider market conditions and other factors that may have changed since contract award and explain the basis in the determination that prices/costs are fair and reasonable prior to award of the order.

(6) Provide any other facts supporting the use of exceptions to the fair opportunity process.

(7) Include a statement of the actions, if any, to be to be taken to remove or overcome any barriers that led to the exception to fair opportunity before any subsequent acquisition for the supplies or services is made. If no actions are planned, so state and provide reasons.