[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: TBD

Program Name (and Program Element, if applicable): PLEO Starshield Terminals and Service

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

Type Program (see AFFARS 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
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 (PLEO) Satellite-Based Services Multiple Award Contract (MAC) vehicle to SpaceX via ID/IQ [redacted] for the procurement of PLEO Commercial Satellite Communications (COMSATCOM) terminal equipment and service plans to fulfill SpaceX specific mission requirements in support of military operations across the enterprise.

Anticipated Period of Performance
Base Period (FY26).....December 5, 2025 to December 4, 2026..... [redacted]

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

This task order shall provide the following PLEO hardware and service plans:

Starshield High Performance User Terminal: [redacted]

Starshield Mini User Terminal: [redacted]

Starlink (FMS/export) High Performance User Terminal Kit: [redacted]

[redacted]

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[redacted]

Starshield Aeroterminal - Full Kit: [redacted]

Starshield Aeroterminal - Tile Antenna: [redacted]

Starshield Aeroterminal - Tile Mini: [redacted]

Operational Packaged PLEO Service Plan: [redacted]

(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)(C), which states an order can be issued on a sole-source basis in the interest of economy and efficiency because it is 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. The proposed action qualifies for this exception because it represents a logical follow-on to work previously performed under the Commercial Space Office solicitation SBS05501, for which all twenty contract holders were given a fair opportunity to be considered and there was only one bid. Awarding this follow-on effort to the incumbent contractor, SpaceX, ensures continuity of service, avoids duplication of costs, and maintains efficiency in program execution.

The current task order continues integrated infrastructure development efforts connecting with existing Starshield PLEO terminals started under the prior task order and provides continued service to equipment acquired under the previous task order for which training has been previously provided which is unique to Starshield. The task order also allows for expansion and integration capabilities which build on the systems acquired under the prior task order. Expansion includes additional quantities, hardware, and services supporting continuing requirements for PLEO service to enterprise wide mission partners.

Transitioning to a new contractor would result in mission partners incurring substantial costs related to the dismantling of existing SpaceX hardware and the installation of a new service providers hardware. Introducing a new service provider would impose a significant learning curve, potentially causing delays and introducing inefficiencies that are counterproductive to operational goals. The existing hardware and service plans, and those being procured through this fair opportunity exception, would seamlessly integrate into the COMSATCOM infrastructure established for and by our mission partners. Any new provider would need to develop and integrate new hardware solutions, which may not align seamlessly across the existing COMSATCOM ecosystem and introduce unacceptable levels of mission related risk leading to potential technical issues and compatibility challenges. This may also result in additional costs and time delays associated with trouble shooting and system modifications.

Awarding this follow-on order to the incumbent, SpaceX, therefore represents the only practical and cost-effective means of meeting mission requirements without incurring substantial duplication of cost and unacceptable delay in delivering capability to mission partners.

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

The Contracting Officer will determine that the anticipated cost to the government is fair and reasonable by leveraging the pricing established in the ID/IQ contract as a baseline benchmark. The determination will be further supported by a detailed comparison to the Independent Government Estimate (IGE), historical prices from previous task orders, and current market conditions. By utilizing multiple reference points, the Contracting Officer ensures that the pricing reflects a balance of market rates and the value provided, thereby ensuring the best value to the government.

[redacted]

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(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:
To overcome barriers to increasing fair opportunity, the agency will conduct comprehensive market research to continuously monitor commercial offerings that align with government requirements. This will involve engaging with industry to identify innovative solutions and new entrants capable of delivering at least equivalent services. By staying informed about market trends and advancements, the agency can ensure that future acquisitions are inclusive of a diverse range of capable vendors, in an effort to foster a competitive environment.

(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.

(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 12 Nov 2025	Program Manager [redacted]	Signature [redacted]
Date 10 Nov 2025	Contracting Officer [redacted] SSCK/CMK	Signature [redacted]
Date 13 Nov 2025	[redacted] SCC/JA	Signature [redacted]
Date 14 Nov 2025	[redacted] SSC/CMK	Signature [redacted]
Date 24 Nov 2025	Competition Advocate [redacted]	Signature [redacted]

[redacted]

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Date 01 Dec 2025	Senior Contracting Official (SCO) [redacted]	Signature [redacted]
Date 05 Dec 2025	Approval Authority SAF/SQ [redacted]	Signature [redacted]

[redacted]

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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.