DEPARTMENT OF THE NAVY
NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION
21983 BUNDY ROAD BUILDING 441
PATUXENT RIVER, MD 20670

IN REPLY REFER TO

4200
J&A 26-0198

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity.

Naval Air Warfare Center Aircraft Division (NAWC-AD) Patuxent River, MD

2. Description of the Action Being Approved.

This Justification for Exception to Fair Opportunity (JEFO) authorizes the use of FAR 16.507-6(b)(2) to issue a direct task order (TO) on the Air-to-Air Refueling (AAR) Multiple-Award Indefinite Delivery, Indefinite Quantity (MA/IDIQ) Contract Number N00421-21-D-0034 to Omega Aerial Refueling Services (OARS), [redacted] for Contracted AAR Services utilizing their [redacted] aerial refueling capabilities.

3. Description of Supplies/Services Required to Meet the Agency's Needs (including the estimated value).

This task order will provide contractor owned and operated aircraft to fulfill the critical requirements for contracted AAR services in support of Pacific Air Forces (PACAF) missions in support of the United States Indo-Pacific Command (USINDOPACOM) Area of Responsibility (AOR), to include carrying qualified non-crewmembers and providing associated pack-up lists (PUK). The contractor's responsibilities will consist of providing required [redacted] to provide AAR support to a variety of United States Air Force receiver aircraft such as B-1B, B-52H, C-17A, F-15C/D/E/EX, F-16C/D, F-22A, F-35A, KC-46A, and MC-130J.
This Task Order Request (TOR) contains a specific requirement to provide AAR services for the receiver aircraft via a [redacted] refueling system that can provide the time on station and provide the fuel offload capacity to support the tyranny of distance to support AAR missions within the USINDOPACOM AOR. This TOR also requires a Layout of Passenger Accommodation (LOPA) configuration to carry approximately [redacted] qualified non-crewmembers and associated PUKs totaling approximately [redacted] pallets. OARS is the only contractor with a single tanker aircraft that meets every requirement, including seating for qualified non-crew members with emergency oxygen that can be available for every seat, the capacity to perform the required flight hours, [redacted] lbs. fuel offload capacity, and sufficient cargo space to accommodate the required PUKs. The [redacted] has all the required Interim Flight Clearance (IFC) approvals to provide AAR services to all the required receiver aircraft that consists of B-1B, B-52H, C-17A, F-15C/D/E/EX, F-16C/D, F-22A, F-35A, KC-46A, and MC-130J.

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The estimated Period of Performance (PoP) for this task order is 15 June 2026 – 14 June 2027 comprising of a base period and fifteen (15) options.

The total estimated value of this contract action is $46,625,940.00 (dry contract/less fuel) and is anticipated to be funded as set forth in the below table.

Estimated Dollar Value

Funding Type	(1,300) Flight Hours	Travel	Total Estimated Price
Operations & Maintenance, Air Force	[redacted]	[redacted]	$46,625,940.00

4. Identification of the Justification Rationale and Demonstration of the Proposed Contractor's Unique Qualifications to Provide the Required Supply or Service.

In accordance with FAR 16.507-6(b)(2), 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.

As described in paragraph 3 above, OARS is the only responsible source that can satisfy this requirement without experiencing unacceptable delays and an interruption in services to supporting PACAFfor the following reasons:

a) OARS is the only AAR provider for the Navy that possesses a single type/model/series Federal Aviation Administration certified aircraft with an approved United States Navy (USN) IFC to immediately satisfy the AAR services and requirements as stated in paragraph 3 above without a significant disruption of services. OARS' aircraft has the required seating for qualified non-crew members and has sufficient cargo space to accommodate the required PUKs. Additionally, OARS is the only AAR provider that has an IFC to provide AAR services to the KC-46A. No other known contractor has a single aircraft that can provide this seating, cargo space, IFC for all receiver aircraft, and fuel offload requirement. Obtaining these required services by other means would require the use of multiple aircraft to accomplish the complete scope of the work, which would introduce unacceptable schedule and logistics risk delay, including increased risk and delay associated with down aircraft, to meeting the operational requirements.

5. A Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable.

OARS' rates at the MAC level have been approved as fair and reasonable based on the N00421-20-R-0094 competition. In accordance with FAR 16.507-6(d)(2)(v), a determination by the Contracting Officer that the anticipated cost to the Government is fair and reasonable will be

completed. The proposal will be reviewed by experienced technical analysts, contract specialists, and/or cost analysts, as necessary. The Contracting Officer will employ price analyses as the basis for determining a fair and reasonable price as compared to the awarded contract N00421-21-D-0034.

6. Any other Facts Supporting the Justification

As noted in paragraphs 3 and 4 above, OARS' [redacted] is the only AAR aircraft services source that can provide the required services to meet PACAF current requirements; no other contractor source can provide these services within the required timeframe.

7. A Statement of the Actions the Agency May Take 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.

The Government's Contracted Air Services (CAS) AAR Multiple Award Contract includes one other contractor; however, the other contractor does not possess an aircraft that has the capacity and capability to meet all the requirements detailed herein. Actions taken to remove barriers consisted of analyzing the requirement to identify if these tasks could be separated between the two CAS providers. This would have resulted in a lesser quantity of fuel offload capacity and inability to support the KC-46A. OARS is the only contractor with an aircraft that can provide the offload capacity, seating and cargo space for the qualified non-crewmembers, obtains IFC for all receiver aircraft, and PUK list using its [redacted] refueling.

CERTIFICATIONS AND APPROVAL

TECHNICAL/REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance which are included in this Justification and its supporting acquisition planning documents, except as noted herein are complete and accurate to the best of my knowledge and belief.

Technical/Requirements Cognizance:

[redacted] [redacted] [redacted] [redacted]

Signature Name (Printed) Phone No. Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

[redacted] [redacted] [redacted] [redacted]

Signature Name (Printed) Phone No. Date

CONTRACTING OFFICER CERTIFICATION

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

[redacted] [redacted] [redacted] [redacted]

Signature Name (Printed) Phone No. Date

NAWCAD PROCUREMENT GROUP LEAD/CCO CERTIFICATION

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

[redacted] [redacted] [redacted] [redacted]

Signature Name (Printed) Phone No. Date