[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: Task Order under PACER IDIQ Contract

Purchase Request / Local ID Number:

Program Name (and Program Element, if applicable): Advanced Core & Termination Analysis

[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.

6.302 Exception: 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

Click here for instructions to complete the boxes below.

(1) Contracting Activity:
Agency: Air Force, Air Force Research Laboratory Contracting Activity: AFRL/RAKPC 2130 8th Street, Bldg 45 Wright-Patterson AFB, OH

(2) Nature and/or description of the action being approved:
This individual Justification and Approval (J&A) is for a Fair Opportunity Exception (FOE) task order under the Advanced Aerospace Systems Technology Research (AASTR) multiple award Indefinite Delivery/Indefinite Quantity (IDIQ) contract. The Fair Opportunity Exception for The Boeing Company, Contract # FA2391-23-D-0002, awarded 05 April 2023 . [redacted]

(3) Description of the supplies/services required to meet the agency's needs:
The Contractor shall develop, validate, and deliver a computational analysis tool [redacted]

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

The Boeing Company possesses a unique combination of developing advanced analysis tools, extensive expertise in manufacturing and producing test data, and specialized engineering expertise that are essential to the successful performance of this contract, which cannot be replicated by any other source without substantial duplication of cost and unacceptable delays to the Government.

Supporting Rationale:

The core objective of this effort is to [redacted]

In summary, awarding this contract to any source other than The Boeing Company would require a complete and cost-prohibitive replication of foundational research, tool development, and data generation that has already been accomplished. The inherent technical risk, schedule delays, and significant cost to the Government would be insurmountable. Therefore, The Boeing Company is the only contractor with the unique qualifications and specialized expertise capable of satisfying the Government's requirements in a timely and cost-effective manner.

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

Based upon the Government's estimate for this order, the project engineer will perform a technical evaluation on the contractor's proposal which will inform the contracting officer if the hours proposed and the labor mix and quantity are

necessary and realistic for the work to be performed. The contractor has approved Forward Price Rate Recommendations (FPRR) from DCMA, which the Government will utilize.

Based upon (1) price analysis using external data and market indicators, (2) the project engineer's technical analysis of the offeror's cost elements, and (3) inputs from the Defense Contract Management Agency, the contracting officer expects they will be able to determine that the anticipated cost to the Government will be fair and reasonable.

(6) Other facts supporting the justification:

As stated above in Section IV, only The Boeing Company can perform this work without causing prohibitive costs, insurmountable technical risk, and unacceptable schedule delays. A new source would have to replicate Boeing's completed foundational research, tools, and data, which the Government cannot afford in time, cost, or risk.

[redacted]

[redacted]

(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:

Further, there are no previous J&As for this acquisition. Broad Agency Announcements, as found in FAR 35.016, will continue to be used by this agency to fulfill the requirements for scientific study and experimentation directed toward advancing the state-of-the-art or increasing knowledge or understanding.

(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.

[redacted]

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(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.

[redacted]