# JUSTIFICATION REVIEW DOCUMENT
# FOR OTHER THAN FULL AND OPEN COMPETITION - FAR PART 6

**Program/Equipment:** L3Harris Global Communication, Inc. (L3HGCi) Tactical Radio Systems, Communications Equipment and Associated Services in support of U.S. Army Communications Electronics Command, Integrated Logistics Support Center, Security Assistance Management Directorate (CECOM ILSC SAMD) Foreign Military Sales (FMS) program at Aberdeen Proving Ground (APG), Maryland.

**Authority:** Title 10 United States Code (U.S.C.) §3204(a)(1) as implemented in Federal Acquisition Regulation (FAR) 6.103-1(b) "One responsible source."

**Amount:** [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Controlled By: CECOM ILSC SAMD
Controlled By: ACC-APG, Div. D
CUI Category: SSEL
Limited Dissemination: FED ONLY
[redacted]

(Source Selection information - See FAR 2.101 and 3.104-4)

**Reviews:** I have reviewed this justification and find it adequate to support other than full and open competition.

[redacted]

[redacted]

[redacted]

(Source Selection information - See FAR 2.101 and 3.104-4)

**Justification and Approval**
**for Other than Full and Open Competition – FAR Part 6**

**1. Requiring Activity:** CECOM ILSC SAMD
6590 Reconnaissance St, Building 6010
Aberdeen Proving Ground, MD 21005

**2. Contracting Activity:** Army Contracting Command - Aberdeen Proving Ground
(ACC-APG), Division D
6515 Integrity Court, Building 4310, Bay 3
Aberdeen Proving Ground, MD 21005
ATTN: CCAP-SCD

**3. Description of Action:** This Justification and Approval (J&A) authorizes and approves the use of other than full and open competition to award a sole-source, Firm-Fixed-Price (FFP) contract modification to Indefinite Delivery Indefinite Quantity (IDIQ) W91CRB-21-D-5003 awarded to L3Harris Global Communication, Inc. (L3HGCi), CAGE: 7QAK7, 1350 Jefferson Road, Rochester, NY 14623. This modification will raise the current contract ceiling by $495,000,000 ($495M), increasing it from $3,300,000,000 ($3.3B) to $3,795,000,000 ($3.795B). Additionally, it will extend the ordering period by 6 months, resulting in a total ordering period of 5 years and 6 months. The contract will be funded by the United States (US) Government for pseudo- FMS orders and by foreign governments for country directed orders, referred to as traditional FMS orders or cases. This dual funding structure supports initiatives for the U.S. partner nations as well as the needs of foreign partners.

The original W91CRB-21-D-5003 contract had an ordering ceiling of $3.3B, which was the combination of $1,852,000,000 ($1.852 billion) for pseudo-FMS orders and $1,448,000,000 ($1.448 billion) for traditional FMS orders. SAMD has requested a modification to increase the ceiling of this contract valued at $495M. Based on the historical estimates, $165,000,000 ($165M) will be allocated for pseudo-FMS orders, and $330,000,000 ($330M) dedicated to traditional FMS orders. The foregoing numbers are estimates, however, and the full ceiling value may be allocated toward pseudo-FMS orders and/or traditional FMS as needed. This adjustment ensures sufficient funding to continue supporting both pseudo-FMS and traditional FMS requirements throughout the extended contract duration.

The pseudo-FMS orders referenced above will be funded by a variety of sources, including different U.S. Government accounts identified by the Defense Security Cooperation Agency (DSCA). Security Assistance Management Manual (SAMM) Chapter 11 lists programs funded by Department of Defense (DoD) Title 10 and Department of State (DoS) Title 22 appropriations, including Building Partner Capacity (BPC) and other programs. BPC programs encompass activities for the purpose of building partner security force capability and are administered as cases within the FMS infrastructure. SAMD's pseudo-FMS cases are funded under the BPC programs that are

expected to remain applicable and active from 2026 to 2031. These programs include but are not limited to:

[redacted]

**4. Description of Supplies/Services**: Below are the required radio systems, communications equipment, and associated services:

a. FALCON series for ground and airborne applications - High Frequency (HF) (2-30 MHz), Very High Frequency (VHF) (30-300 MHz), Ultra High Frequency (UHF) (300-3,000 MHz), multiband and microwave radio systems. The systems must be physically, functionally and technically compatible with the following characteristics:
   - Include compatible ground-based radio receiver/transmitters that can be configured as handheld (up to 10W) man-packable (up to 25W) vehicular and vehicular handheld (i.e. jerk and run up to 50W) systems.
   - Include compatible airborne radio receiver/transmitter systems.
   - Include the following voice modes: Simplex, Half-Duplex, or Full Duplex; AM/FM analog voice, digital voice (MIL-STD-188-113 CVSD, FSK MELP, FSK CVSD).
   - Include the following data modes: MIL-STD-188-110C, FSK/TCM Data.
   - Include the following waveforms: Single Channel Ground and Airborne Radio System (SINCGARS) Electronic Counter-Counter Measures (ECCM,) Havequick ECCM, Quicklook ECCM, ARROW, and SATURN.
   - Include the following encryption: AES, Citadel©, Sierra II©. Note: The tactical ground and airborne radio system families shall be capable of providing commercial and current type 1 and/or planned crypto-modernization security.
   - Include the following interfaces: 6-pin audio, USB, Ethernet, IP, RS-232.
   - Include environmental characteristics of MIL-STD-810G for shock, vibration, sand/dust, humidity, salt fog/rain; immersion to at least 1 meter; operating temperature -40°F - 70°F.
   - Include options for internal GPS, power amplifier/adapter, vehicular and base station adapter/mount, antenna coupler.
   - Include ancillary items such as handsets, headsets, external antennas, and data interface cables.
b. Tactical SATCOM Terminals including HAWKEYE and PANTHER operating in the Ka, Ku, and X bands.
c. VHF/UHF Association of Public Safety Communications Officials (APCO) Project 25 (P25) Public Safety Radios.
d. System Accessories (e.g. Remote Controls, Intercoms, Antennas, Amplifiers, Batteries, Battery Chargers, Laptop Computers, etc.)

(Source Selection information - See FAR 2.101 and 3.104-4)

e. Installation Accessories (e.g. Mounts, Cables, etc.)
f. Spare Parts
g. Maintenance Tools and Test Equipment
h. Software for Configuration, Command and Control (C2), and Messaging
i. Services CONUS and OCONUS: Operations and Maintenance Training, Installation Support, Engineering Support, Site Survey, Field Service Support for hardware and software listed above.

Demand for traditional and pseudo-FMS varies, making precise forecasting challenging. However, both consistently require L3HGCi tactical radio systems, communications equipment, and associated services to meet SAMD's need. As outlined in Tables 1 and 2, the hardware and service estimates are based on historical procurement data and anticipated demand, incorporating standard radio configurations and inflation adjustments for the 6-month extension of the Period of Performance (PoP). Table 1 details the essential requirements needed to support the SAMD mission, including estimated quantities and unit prices. Table 2 presents a comprehensive cost breakdown, providing an overview of projected expenditures across the 6-month period.

**Table 1:**

| Description | Quantity (Qty) | Unit Price |
|---|---|---|
| Manpack Configuration (MP) | 1,970 | [redacted] |
| Vehicular Manpack Configuration (Veh. MP) | 1,385 | [redacted] |
| Handheld Configuration (HH) | 2,820 | [redacted] |
| Vehicular Handheld Configuration (Veh. HH) | 740 | [redacted] |
| Field Service Representative (FSR) Training Support (Training) | 105 | [redacted] |
| FSR Maintenance Support (FSR) | 15 | [redacted] |

**Table 2:**

| PoP | MP (Qty) | Veh. MP (Qty) | HH (Qty) | Veh. HH (Qty) | Training (Qty) | FSR (Qty) | Estimated Value ($) |
|---|---|---|---|---|---|---|---|
| 6 Months | 1,305 | 925 | 1,895 | 490 | 70 | 10 | Traditional FMS: $329,999,965 |
| | 665 | 460 | 925 | 250 | 35 | 5 | Pseudo-FMS: $165,056,100 |
| **Total Estimated Value for Traditional FMS and Pseudo-FMS: $495,056,065** | | | | | | | |

This document serves as a formal justification for procurements executed under both pseudo-FMS and traditional FMS frameworks. It covers pseudo-FMS orders funded by the U.S. Government and establishes a ceiling for traditional efforts to deliver L3HGCi radio systems, communications equipment, and related services financed by foreign governments. Based on historical trends, the U.S. Government anticipates significant country-directed, country-funded procurements for the same equipment and services outlined in this J&A for pseudo-FMS acquisitions. This strategy ensures alignment with mission objectives while effectively addressing the diverse requirements of partner nations and foreign nations through streamlined procurement processes. Additionally, the contract secures pricing, eliminating the need for ACC-APG to renegotiate each new

country-funded request. It also provides flexibility to reallocate funding between pseudo-FMS and traditional FMS orders as needed during the five-year period of performance.

**5. Authority Cited**: Title 10 United States Code (U.S.C.) §3204(a)(1) as implemented in Federal Acquisition Regulation (FAR) 6.103-1(b) “One responsible source”.

**6. Reason for Authority Cited**:

a. Background: Since fiscal year 2000, the core circumstances have remained unchanged, with justifications concluding that L3HGCi is the sole responsible source capable of meeting the SAMD requirements for listed radio systems. These determinations were based on L3HGCi's exclusive ownership of proprietary data and its extensive expertise in the system design, software architecture, and hardware integration of the FALCON series of radio systems. Comprehensive market research conducted on August 11, 2025, confirmed that L3HGCi remains the sole Original Equipment Manufacturer (OEM) and the only entity with access to the proprietary schematics, source code, and technical expertise necessary to deliver the highly specialized radios and services required by both partner and foreign nations. No other commercially available communications products can meet the required capabilities to support SAMD’s mission objectives. In fact, L3HGCi alone owns the proprietary rights to L3HGCi-unique encryption and frequency-hopping algorithms listed in paragraph 4 (above) required to ensure compatibility with existing inventories of customer radios. Unlike some encryption systems that are separate from the communication systems they are interfaced to, this encryption is embedded within Harris radios and cannot be extracted and used as a separate capability. Since the design of the external hardware interfaces with the internal components of the radio transceiver, it cannot be exposed externally, which prevents other vendors from replicating the frequency-hopping algorithms functionality. This fact, as well as its proprietary nature, makes L3HGCi encryption and proprietary waveforms inaccessible to other manufacturers. Other manufacturers cannot incorporate L3HGCi encryption and waveforms into their radio systems and therefore cannot produce compatible radio systems. For this reason, L3HGCi is the only source who can meet recurring requirements to procure radio systems compatible with customer inventories of L3HGCi radios.

L3HGCi communication products are commercially available and therefore the acquisition of these products and the associated services is consistent with the FAR 12.101(b) policy to acquire commercial items when they are available to meet the needs of an agency. L3HGCi, a supplier to both the U.S. Government and commercial customers, exclusively owns all technical data, including proprietary cryptographic technologies such as Citadel© encryption, Sierra II Programmable Encryption©, and Quicklook© ECCM frequency-hopping algorithms and waveforms. These proprietary technologies, developed entirely at private expense, are not licensed to any other U.S. or international companies for

manufacturing or sale. As commercial products, the U.S. Government does not have access to the detailed specifications or technical drawings required for replication, as the critical technical data remains solely under L3HGCi's control.

L3HGCi has declined to provide data rights or technical data package rights, including encryption to the U.S. Government, as referenced in their response to the "Sources Sought for Radio Systems, Communications Equipment, and Associated Services for Foreign Military Sales" on 25 August 2025. This Sources Sought also confirmed that no other commercial entity is authorized by L3HGCi to sell, resell or directly perform services for L3HGCi radios and communications equipment. Since L3HGCi has declined to provide data rights, the U.S. Government does not have access to the data rights. Further, FMS customers have only expressed interest in acquiring hardware and services, with no requests for data rights received.

Because the U.S. Government does not own the data rights to these items, procuring them from alternative vendors is not feasible without incurring significant duplication costs and experiencing unacceptable delays. As detailed below, the estimated $5 billion in duplicated costs far exceeds any potential savings from pursuing a competitive procurement and would not be recoverable. The proprietary design of L3HGCi radios makes transitioning to other vendors impractical, leading to substantial financial burdens and increased operational risks. Awarding the contract to another source would result in unacceptable delays, including an estimated 20-year transition period, jeopardizing mission objectives, compromising operational readiness, and disrupting critical deliveries to foreign partners. Continued support from the original developer remains the only feasible solution to fulfill SAMD's FMS requirements effectively.

The development of new radios is impractical due to significant time and cost that would be incurred. The SAMD technical support team utilized the December 31, 2023, Modernized Selected Acquisition Report (MSAR) for the Handheld, Manpack, and Small Form Fit Radios (HMS) program to create an engineering estimate for the requirements of a new radio program. The HMS program's Research, Development, Test, and Evaluation (RDT&E) costs are estimated at $1.235 billion. This investment covered an 8-year period from the program's Milestone B Decision in May 2004 to achieve Initial Operational Capability (IOC) in July 2012, followed by an additional 9 years from IOC to Full Rate Production (FRP) in August 2021.

The HMS program's 17-year development effort focused solely on producing handheld and manpack radios. In contrast, SAMD's requirements are significantly broader, encompassing the FALCON series for both ground and airborne applications. These requirements include handheld, manpack, airborne, and vehicular/base station radios, as well as multiband and microwave radio systems. While the U.S. Government can exploit and reverse engineer captured radios to

understand functionality relatively quickly, replicating the functionality and performance of a proprietary radio is far more complex, resulting in the increased estimate (20 years) for transition period for SAMD's requirement over that of the HMS program (17 years). This process requires extensive research to develop new methods of achieving required functionality without infringing on proprietary designs, often taking as long as the original development. Once a new design is complete, it must undergo the same developmental phases, reviews, testing, fabrication, and manufacturing setup as the original system.

Based on the HMS program, SAMD's analysis estimates that developing, testing, and deploying a single software-programmable radio configuration would cost approximately $1.25 billion and take more than six years. The total RDT&E costs for all four required radio configurations - Manpack, Vehicular Manpack, Handheld, and Vehicular Handheld - across the HF, VHF, UHF, and Multiband categories are projected to exceed $5 billion and require at least 20 years to complete. If the U.S. Government attempted to accelerate this process, the cost would increase. Any attempt to compress the development and testing timeline would require a significant surge in resources, leading to a substantial budget increase. Furthermore, partner nations requiring Type 1 secure radios have until the year 2030 to convert from current NSA encryption algorithms (NSA Algorithm Suite 1.0) to new quantum-resistant encryption standards (CNSA 2.0). The new encryption standards require Type 1 radios to embed updated hardware. While several of the proposed L3HGCi radio systems on this contract already satisfy NSA requirements for the new CNSA 2.0 encryption standards, a new family of radios in place of L3HGCi systems would not be available until long after the mandated 2030 implementation date of the CNSA 2.0 encryption standard.

L3HGCi communication products are essential to completing SAMD's FMS programs because partner nations require L3HGCi brand tactical radio systems. Alternative products from other vendors lack the technical specifications, compatibility, and operational reliability required to fulfill SAMD's specific needs, making L3HGCi the sole viable source to ensure mission success without compromising system integrity or operational readiness.

Although there are other sources that produce commercially available radios, none of those radios are form, fit, and function compatible with L3HGCi radios that are already being used in various FMS countries, nor interoperable with L3HGCi's proprietary encryption and ECCM waveforms. The proprietary design prohibits any other contractor from producing the L3HGCi systems without licensing agreements. In fact, the multiple market research, sources sought notices and the previous J&A confirmed that no other manufacturer can provide a form, fit, and functionally identical equivalent to specific L3HGCi tactical radios. SAMD has issued these justifications for critical mission requirements, asserting that procuring radios from another vendor will lead to unacceptable costs, schedule

delays, and mission impacts due to interoperability and security concerns with FMS countries' existing L3HGCi radio systems.

Maintaining secure and interoperable communication systems is vital for partner nations' operational effectiveness. Many partner nations, through both BPC programs and traditional FMS, have standardized L3HGCi radio systems, representing significant investments in equipment, training, and sustainment infrastructure. These systems, equipped with advanced features like Citadel Encryption, Sierra II Programmable Encryption, and SINCGARS waveforms, ensure seamless communication within their forces and with coalition partners. Shifting to incompatible radio systems would severely hinder interoperability, negatively impacting tactical command and control during critical operations since a new contractor would have to develop a new encryption system from scratch and then replace the hardware on every radio, causing a long-term vulnerability in secure military communications. It requires costly and time-consuming overhauls of existing systems, including replacing entire radio fleets, procuring new spare parts, and retraining personnel on unfamiliar equipment and logistics. Therefore, procuring compatible L3HGCi systems is essential to maintain operational readiness, sustained performance, reliability, and security of the FMS countries' existing L3HGCi radio systems.

b. Alternatives: A comprehensive review of alternatives to this sole-source action was conducted to determine the most viable path to fulfilling SAMD's FMS requirements. The mission is to ensure uninterrupted tactical radio support for partner nations, enabling allies to effectively operate and maintain radio systems that are form, fit, and function compatible with L3GCi radios to achieve mission success in demanding environments.

The selection of this IDIQ contract resulted from a thorough evaluation of alternative approaches. While the following alternatives were considered, they were not viable or in the best interest of the U.S. Government due to unacceptable delays, increased costs, or the inability to meet specific FMS requirements outlined in paragraph 4.

- Stand-alone contracts: Stand-alone contracts are not a practical or sustainable approach for managing the complex and high-volume requirements of FMS programs, as they result in inefficiencies, increased costs, and operational challenges. This approach would create an unsustainable administrative burden, as each case would require a separate, time-consuming acquisition package. Consequently, this fragmented process would prevent consistent cost estimation for Letters of Offer and Acceptance (LOAs) and undermine financial predictability. A master contract vehicle, like an IDIQ, is far more suitable as it establishes the terms and pricing upfront, allowing for rapid and consistent execution of individual orders.

(Source Selection information - See FAR 2.101 and 3.104-4)

- Cooperative agreements: Cooperative agreements are not applicable because FMS requirements specify Commercial Off-The-Shelf (COTS) equipment, precluding cooperative development arrangements.
- Acquisition from existing military stocks: Acquisition from existing military stocks is insufficient to meet demand, as these stocks primarily consist of classified military systems and programs of record, whereas foreign partners predominantly require the COTS solutions offered by L3HGCi.
- Defense Logistics Agency (DLA) contracts: While offering convenience, DLA contracts lack the comprehensive range of systems and support services required by foreign partners. Experience with DLA contracts indicates a lack of flexibility to respond to occasional changes in partner nation programs. It is difficult to modify DLA contracts to satisfy this flexibility. Furthermore, DLA incorporates a higher fee structure into their contracts, potentially adding up to $325 million to the overall cost for this $6.5 billion contract modification.
- Acquisition from HMS Program: HMS radios, developed for U.S. military forces, are not viable for this contract due to conflicts between domestic and FMS procurement processes, including differing funding, approval timelines, and non-releasable system designs and waveforms. Combining domestic and foreign requirements into current planned HMS program contracts is not feasible for this effort.
- Suspension of Contract Support: Suspending contract support and delaying procurement until a competitive acquisition is conducted would result in unacceptable delays to SAMD's mission-critical operations, jeopardizing readiness and operational effectiveness for our partner nations. Therefore, the suspension of Contract Support is an unacceptable alternative.

- Conducting a Competitive Acquisition: Conducting a full and open competitive acquisition to identify alternative sources is not feasible. Market research has confirmed that no other vendors possess the proprietary data, technical expertise, or unique capabilities needed to meet SAMD's FMS requirements. Such an acquisition would lead to significant duplication of costs and unacceptable delays, making it impractical and contrary to the best interests of the U.S. Government.
- Extension of the Current Contract: Extending the current contract at its current funding level is not possible. Funds are estimated to be expended on or before the current contract expiration date. Extending the current contract with only enough funds to allow time for competitive acquisition would not resolve the proprietary nature of the requirement, as the incumbent contractor remains the only source capable of fulfilling SAMD's FMS needs.

(Source Selection information - See FAR 2.101 and 3.104-4)

- Establishing a Noncompetitive Contract: Establishing a new noncompetitive contract with a different vendor would necessitate reverse-engineering proprietary components, leading to significant duplication of costs and delays. As the OEM, the incumbent contractor is the sole source with access to the proprietary data and expertise required to meet the requirement.

c. Impact if not approved:

In the short term, if the justification is disapproved, multiple stand-alone contracts would need to be awarded to L3HGCi based on individual countries' sole source statements. This approach eventually would create a significant administrative burden in managing the procurement of large fleets of radio assets required by FMS customers. Furthermore, it would fail to provide an efficient solution to meet FMS customer requirements, leading to higher costs, delays, operational disruptions, and adverse impacts on mission objectives.

In the long term, disapproval of this justification would require the U.S. government to establish a new noncompetitive contract with a different vendor, necessitating reverse-engineering proprietary components and resulting in an estimated $5 billion in duplicated costs. This process would cause unacceptable delays, with a 20-year timeline to develop and manufacture proprietary systems, severely impacting operational readiness and the ability to meet urgent FMS requirements. It would jeopardize mission objectives, reduce system compatibility, and compromise operational effectiveness, while also harming international relationships, reduce trust in U.S. support, and undermine the government's ability to achieve critical foreign policy and strategic goals. These consequences would collectively compromise mission-critical operations, operational timelines, and the government's ability to fulfill its commitments effectively.

**7. Efforts to Obtain Competition**: SAMD technical support team conducted market research, the details of which are outlined in paragraph 9 below. Although there are no FAR subcontracting provisions that require competition among potential subcontractors for commercial contracts, the U.S. Government will seek to maximize subcontract for small and small disadvantaged businesses. ACC-APG will publish the notices required by FAR 5.201 and any bids or proposals received will be considered.

a. Effective competition. As this is a sole source action, effective competition is not applicable.

b. Subcontracting competition. Although there are no FAR subcontracting provisions that require competition among potential subcontractors for commercial contracts, the Government will seek to maximize subcontracting to small and small disadvantaged businesses. L3HGCi will be required to submit a subcontracting plan that will maximize subcontracting to small businesses and small

disadvantaged businesses. Performance will be monitored using the electronic Subcontracting Reporting System (eSRS) and compliance with the small business subcontracting goals will be evaluated on the annual Contractor Performance Assessment Reporting System (CPARS). This Internet-based tool provides access to analytical data on subcontracting performance.

**8. Actions to Increase Competition**: The U.S. Government does not possess the Technical Data Package (TDP) required for competition and has repeatedly asked L3HGCi or L3Harris if they would sell or provide their proprietary data rights. L3HGCi has consistently declined these requests. On 13 May 2024, the U.S. Government inquired about L3HGCi's position regarding the sale of data rights, proprietary encryption, or TDP for their radios and equipment, as well as whether L3HGCi allows other contractors to perform services in support of their products. In their 20 May 2024 response, L3HGCi stated: "L3Harris is not interested in selling the Data Rights for the L3H radios and equipment to the U.S. Government. L3Harris does not license or certify other contractors to perform or sell services in support of L3Harris radios and ancillary equipment." This position was reconfirmed in their 11 August 2025 response to a market survey, where L3HGCi stated they have not sold, nor do they intend to sell, their data rights or TDP rights, including encryption, to the U.S. Government. They further clarified that no resellers are authorized to sell their tactical communications equipment to the U.S. Government. The U.S. Government only possesses a broad-based Statement of Work and limited technical data customarily provided to the public. Proprietary waveforms and encryption algorithms remain exclusive to L3HGCi and have not been licensed to any other U.S.A or international company for manufacturing L3HGCi radios. Furthermore, although L3HGCi has consistently refused numerous requests to sell or license its proprietary data rights, no further efforts to secure these rights have been undertaken due to the complex and continually evolving hardware requirements of the FMS end users.

For the reasons set forth in paragraph 6, SAMD has no plans at this time to compete future contracts for the types of supplies and services covered by this document. The unique and highly specialized nature of this requirement, which is proprietary to L3HGCi makes it unlikely that other sources will be able to meet the U.S. Government's needs. However, the U.S. Government is committed to promoting competition for future requirements. To increase competition, the following actions have been or will be undertaken:

a. Conduct market research. To increase competition, the U.S. Government proactively monitors the market for emerging solutions and suppliers capable of fulfilling partner nations' tactical radio needs. This ongoing research aims to foster competition, refine requirements, and ultimately enhance future procurement strategies. Should market changes occur, such as the emergence of viable alternatives to L3HGCi's unique encryption and waveform technologies, future procurement actions will be adjusted accordingly. However, based on the latest

research (detailed in section 9), only L3HGCi currently meets all U.S. Government requirements.

b. Share technical data: The U.S. Government continues to explore opportunities to share technical data packages, where feasible, to enable other vendors to develop compatible solutions. This may include providing specifications, standards, or interface control documents to broaden the pool of potential competitors. However, L3HGCi maintains a corporate policy of not selling or licensing its proprietary data rights. This includes the Technical Data Package (TDP) and the specific encryption algorithms associated with the radio systems. As a result, the U.S. Government does not possess the requisite intellectual property to conduct a competitive acquisition or enable third-party development.

c. Encouraging Innovation: The U.S. Government will encourage vendors to propose innovative solutions that could meet or exceed the requirements. This includes considering alternative technologies or approaches that may reduce reliance on proprietary systems.

d. Periodic Review of Requirements: The U.S. Government will periodically review and refine its requirements to ensure they do not unnecessarily restrict competition. This includes evaluating whether proprietary features or designs can be replaced with open standards or interoperable solutions.

e. Industry Engagement: The U.S. Government will continue to engage with industry through forums, workshops, and public notices to communicate future requirements and solicit feedback on how to increase competition.

f. Small Business Outreach: Efforts will be made to identify and engage small businesses, including those participating in the Small Business Innovation Research (SBIR) program, to determine their capability to meet future requirements.

**9. Market Research**: A sources sought notice was posted on the System for Award Management (SAM.gov) website from 11 August 2025 to 25 August 2025, to identify any other potential sources with the capability to provide the required radio systems, communications equipment and associated services listed in the sources sought market survey. Three responses from BK Technologies, W.S. Darley & Company, and L3HGCi were received. After a thorough review of their capabilities statements, it was determined that BK Technologies and W.S. Darley & Company do not possess the requisite proprietary data or provide a form, fit, and functionally identical equivalent to specific L3HGCi tactical radios without the substantial duplication of cost and unacceptable delays detailed in Section 6. The following capability assessments for three (3) potential vendors are summarized as below:

BK Technologies designs and markets APCO P25 products, including two-way radios, repeaters, and base stations. They proposed BKR 9000 P25 Portable Radios, BKR5000 Portable Radios, KNG Mobile Radios, and associated services. While their APCO P25 radios meet one requirement in paragraph 4, they cannot provide tactical radio systems compatible with L3HGCi or equivalent to specific L3HGCi tactical radios. Therefore, a procurement must be issued to L3HGCi under the IDIQ contract modification, as most FMS procurements involve L3HGCi's Falcon Series tactical radios.

W.S. Darley & Company, a supplier supporting government contracts, proposed Barrett 4050 HF SDR, PRC-4090 HF SDR, and Motorola APCO P25 radios. However, the Barrett radios are incompatible with L3HGCi proprietary features, waveforms, and encryption. Additionally, L3HGCi Falcon radios are designed to work exclusively with their own accessories, which are not interchangeable with Barrett radios. As a result, W.S. Darley & Company cannot meet all requirements from the sources sought market survey.

L3HGCi is the original manufacturer of the FALCON series of HF, VHF, UHF and Multiband radio systems, proprietary QUICKLOOK© ECCM waveforms, and Citadel© and Sierra II© encryption capabilities. All these products meet the compatibility characteristics listed in paragraph 4 and are interoperable with existing L3HGCi radio products and networks. The L3HGCI submission states that no other manufacturer has the legal right to produce or provide these items without explicit approval from L3HGCi. Furthermore, L3HGCi does not intend to extend to any other manufacturer or service provider the opportunity to fulfill requirements listed in this sources sought market survey. This exclusive ownership is further corroborated by an email dated May 01, 2025, from Katie Schuster, L3HGCi FMS Contracts Director, to the SAMD Tech Support team. Ms. Schuster explicitly stated that no other company has the ability to sell the L3HGCi commercial radio product domestically. L3HGCi has not provided any company a quote for their radio products associated with the market survey effort and reiterates that there are no domestic companies authorized to sell, resell or otherwise propose the sale of their products without their prior written permission.

Out of the three (3) market survey responses, only the L3HGCi submittal reflects capabilities that fully meet all requirements listed in the sources sought market survey. Two other proposed solutions, BK Technologies, and W.S. Darley & Company, have been deemed non-compliant with the established market survey requirements. Based on the most recent market research and the response provided by L3HGCi, the SAMD technical support team has determined that, as of now, only L3HGCi is capable of meeting SAMD requirements. However, SAMD will continue researching the market for equivalent tactical radio technology and remains open to considering any future expressions of interest from other firms or companies that may demonstrate the ability to meet these requirements.

**10. Interested Sources:** In addition to L3HGCi, SAMD received two (2) other responses: BK Technologies and W.S. Darley & Company. To date, no other sources have written to express an interest.

**11. Other Facts:**

a. Procurement history.

(1) The following FFP IDIQ contracts were awarded for the same requirements stated in paragraph 4 as described in table 3.

**Table 3**

| Contract Number | Contractor | Procurement Method | Amount (est.) | Period of Performance |
|---|---|---|---|---|
| DAAB07-01-D-M001 | L3HGCi | Sole Source FAR 6.302-1 | $200 Million | 02 November 2000 through 31 October 2005 |
| W15P7T-11-D-H607 | L3HGCi | Sole Source FAR 6.302-1 | $475 Million | 13 December 2010 through 15 December 2015 |
| W91CRB-16-D-5006 | L3HGCi | Sole Source FAR 6.302-1 | Base contract: $920 Million<br>Mod contract: $90 Million<br>Total: $1.01 Billion | 21 June 2016 through 20 June 2021 |
| W91CRB-21-D-5003 | L3HGCi | Sole Source FAR 6.302-1 | Base contract: $3.3 Billion | 10 June 2021 through 09 June 2026 |

(2) All previous IDIQ contracts in table 3 were awarded as Sole Source procurements.

(3) Authority FAR 6.302-1 was cited for all previous IDIQ contracts in table 3.

(4) For the reasons outlined in paragraphs 6 and 8, L3HGCi's proprietary designs and refusal to license their technology significantly restrict competition in fulfilling these specific tactical radio requirements. Neither the U.S. Government nor other manufacturers can replicate their unique systems. Therefore, increased competition could not be substantiated, and the situation has not changed since the first IDIQ contract DAAB07-01-D-M001 was awarded in November 2000.

(5) All the previous contracts were accomplished using other than full and open competition. Therefore, there is no change in competitive status.

(6) Prior to the first IDIQ contract DAAB07-01-D-M001 award in 2001, multiple stand-alone contracts were awarded to L3HGCi based on the countries' sole source statements. This process added significant administrative burden of procuring large fleets of radio assets required by FMS customers. Therefore, the period prior to 2001 does not provide viable examples to satisfy customer requirements for FMS contracts to procure L3HGCi or other radio assets.

b. Other facts.

Pseudo-FMS cases, commonly referred to as Building Partner Capacity (BPC) cases, follow a structured process outlined in Chapter 15 of the Security Assistance Management Manual (SAMM). The process starts when a Requesting Authority (RA), typically a Combatant Command (CCMD), identifies a partner nation's capability gaps. In collaboration with Security Cooperation Organizations (SCOs), the Defense Security Cooperation Agency (DSCA), the Office of the Under Secretary of Defense for Policy (OUSD(P)), and Military Departments (MILDEPs), the RA develops a set of requirements. These requirements are then formalized into a Training and Equipment List (TEL) or "Tranche" and sent to the appropriate Implementing Agency (IA) for execution. For Army-managed programs, the IA is the U.S. Army Security Assistance Command (USASAC) overseeing the BPC cases. For Command, Control, Communications, Computers, Cyber, Intelligence, Surveillance, and Reconnaissance (C5ISR) requirements, USASAC leverages subordinate organizations like the CECOM Security Assistance Management Directorate (SAMD) to develop detailed Pricing and Availability (P&A) data based on the TEL. The RA reviews and approves this data, including any proposed adjustments, to ensure funds are obligated in a timely manner. Once the TEL is finalized and approved, the IA executes the BPC case to deliver the equipment and services.

Unlike BPC programs, which are initiated by a U.S. Government entity, the traditional FMS process begins when an eligible foreign partner identifies its own defense requirements and submits a Letter of Request (LOR). Upon receipt, the LOR is assigned to the appropriate IA such as the U.S. Army, Navy, or Air Force to evaluate the request and develop the initial Letter of Offer and Acceptance (LOA) data. For the U.S. Army Command, C5ISR FMS cases, USASAC assigns this responsibility to a subordinate organization like the CECOM ILSC SAMD. This draft LOA is then finalized by the DSCA, which prepares the official document. As the formal sales agreement, the LOA must be approved by the IA, DSCA, and the Department of State before it is presented to the partner nation. The agreement is finalized once the partner nation signs the LOA and provides the required initial deposit. This action grants the IA the Obligational Authority needed to begin executing the FMS case and procure the requested defense articles and services.

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**14. Fair and Reasonable Cost Determination:** I hereby determine that the anticipated price/cost to the Government for this contract action will be fair and reasonable. This determination will be made using other than certified cost and price data along with of the basis, certified 403 applies, commercial

[redacted]

on is accurate and

[redacted]

(Source Selection information - See FAR 2.101 and 3.104-4)

## Approval

Based on the foregoing justification, I hereby approve the continued procurement of proprietary L3HGCi radio systems, ancillary communications equipment, and specialized training and technical support services on an other than full and open competition basis pursuant to the authority of Title 10 U.S.C. §3204(a)(1) as implemented in FAR 6.103-1(b) "One responsible source". The estimated value of this contract modification is $495M, which covers an additional 6-month extension to the 5-year ordering period. The approval is subject to availability of funds, and provided that the supplies and/or services herein described have otherwise been authorized for this acquisition.

[redacted]

(Source Selection information - See FAR 2.101 and 3.104-4)