Department of the Air Force: Justification for Other Than Full and Open Competition

For use when a justification and approval as described in RFO 6.104 is required, to include restricting competition under Part 12 for acquisitions valued over SAT.

Dollar Value of this Acquisition: ☒ ≤ $10M ☐ > $10M and ≤ $100M ☐ > $100M and ≤ $500M ☐ > $500M

CERTIFICATIONS: CO certification serves as J&A approval ≤ $10M, *See* **J&A Template Guidance** *at https://usaf.dps.mil/sites/AFCC/AQCP/KnowledgeCenter/SitePages/DAF-Contracting-Compass/Part-6---Competition-Requirements.aspx#exceptions-to-full-and-open-competition-mandatory* J&A Template Guidance tab

Date	Contracting Officer (RFO 6.104-1(12))	Signature
	[redacted]	[redacted]
I certify that this justification is accurate and complete to the best of my knowledge and belief.		

Date	Technical and Requirements Personnel (RFO 6.104(b))	Signature
	[redacted]	[redacted]
I certify that the supporting data herein, which is my responsibility, is accurate and complete.		

COORDINATION

Date	Legal Review [Name]	Signature

Date	Chief of the Contracting Office [Name]	Signature

Date	Portfolio Acquisition Executive/Program Executive Officer [Name]	Signature

Date	Head of the Contracting Activity [Name]	Signature

Date	[Title] [Name]	Signature

Date	[Title] [Name]	Signature

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APPROVALS (RFO 6.104-2(a) Table 6-1 & R-DFARS 206.104-72 Table 206.1)

See J&A Template Guidance (https://usaf.dps.mil/sites/AFCC/AQCP/KnowledgeCenter/SitePages/DAF-Contracting-Compass/Part-6---Competition-Requirements.aspx#exceptions-to-full-and-open-competition-mandatory) - Justification Approvals tab

NOTE 1: A signature block will appear here (replacing these notes) based on the "Dollar Value of this Acquisition" selected above. Since most digital signatures that include date/time-stamps are redacted before they are made publicly available, always insert the date in the "Date" cell when affixing a digital signature to this document.

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I. Agency and Contracting Activity (RFO 6.104-1(a)(1)):

Agency: ACC
Contracting Activity: AFMC AFTC/PZIOA, EGLIN AFB, FL 32542

II. Nature and/or description of the action being approved (RFO 6.104-1(a)(2)):

This document approves the use of a brand-name requirement for a Firm Fixed Price order to acquire MATLAB software/ toolbox licenses, maintenance, and support in support of the 350SWW 16EWS. This justification is made on an Individual basis.

III. Description of supplies/services required to meet agency needs (RFO 6.104-1(a)(3)):

This action is to acquire the following MATLAB software/toolbox licenses, maintenance, and support required to fully meet 16EWS mission requirements.

*Qty (6) Antenna Toolboxes (AA)
*Qty (6) DSP System Toolboxes (DS)
*Qty (6) Phased Array System Toolboxes (AR)
*Qty (6) RF Toolboxes (RF)
*Qty (6) Radar Toolboxes (RA)
*Qty (2) MATLAB Compilers (CO)
*Qty (3) MATLAB License Renewals (MLSMS)
*Qty (3) Signal Processing Toolbox renewals (SGSMS)
*Qty (3) MATLAB License Reinstatements (MLSMR)
*Qty (3) Signal Processing Toolbox reinstatements (SGSMR)

IV. Statutory Authority Permitting Other Than Full and Open Competition (RFO 6.104-1(a)(4)):

10 U.S.C. 3204(a)(1), Only one responsible source and no other supplies or services will satisfy agency requirements.

V. Rationale for Use of Authority (RFO 6.104-1(a)(5)):

The determination to restrict sources to a brand name item is based on the following authority:
FAR 16.505(b)(2)(i)(B): ONLY ONE SOURCE IS CAPABLE OF PROVIDING THE SUPPLIES OR SERVICES REQUIRED AT THE LEVEL OF QUALITY REQUIRED BECAUSE THE SUPPLIES OR SERVICES ARE UNIQUE OR HIGHLY SPECIALIZED

Statement of Facts:
The MathWorks, Inc. (MathWorks) is the sole developer and maintainer of MATLAB, a proprietary multi-paradigm programming language and numeric computing environment. MATLAB provides unique capabilities, including matrix manipulation, plotting of functions and data, implementation of algorithms, creation of user interfaces, and interfacing with programs written in other languages through its proprietary architecture and specialized toolboxes. MATLAB is used daily by Mission Data Engineers within 16EWS, other units, and by prime contractors. It is the only software currently available that allows integration with the other coding languages needed to produce mission data files.

Only One Responsible Source:
1. **Exclusive Licensing Agreements:** MathWorks is the only responsible source for MATLAB software and its associated toolboxes. This software is only available from the Original Equipment Manufacturer (OEM), or limited authorized

distributors or technical representatives for the OEM.

2. **No Adequate Alternatives:** Market research confirms that no other software possesses equivalent capabilities that would satisfy the specific technical requirements to produce mission data files. Other software suites have been considered, but these do not provide as robust operations as the mission requires, and would provide hardship in terms of cost, due to existing infrastructure, and overall mission effectiveness.

VI. Integrated Market Analysis and Efforts to Solicit Competition (RFO 6.104-1(a)(6), (8), and (10)):

Market research confirms that MathWorks, Inc. is the sole manufacturer and publisher of the required MATLAB software, making it a proprietary, brand-name item. While the market contains authorized resellers, no other software possesses the equivalent capabilities, proprietary architecture, or specialized toolboxes to meet the mission's technical requirements. Alternative software packages such as Python, RStudio/R, SAS, and Stata were considered not viable as they lack the required fidelity and would necessitate a significant and costly change to the existing infrastructure, presenting considerable hardship and a loss of mission effectiveness.

To ensure competition, market research was conducted using a NASA SEWP request, which identified four small business authorized resellers. The OEM, MathWorks, was contacted directly. All five sources provided a quote for the requirement, demonstrating that the market was effectively surveyed.

VII. Determination of Fair and Reasonable Cost (RFO 6.104-1(a)(7)):

The Contracting Officer is responsible for evaluating, determining, and documenting the anticipated contract cost/price is fair and reasonable in accordance with RFO Subpart 15.4, Contract Pricing.

VIII. Any Other Facts Supporting the Justification (RFO 6.104-1(a)(9)):

The specific MATLAB software components being acquired are critical to supporting 16 EWS operational Mission Data File (MDF) development efforts. They ensure full compatibility and seamless integration with existing operational programming software, leveraging substantial prior investment in the current infrastructure.

Market research showed that small business reseller quotes reflected a 33% to 38% markup over the manufacturer's direct pricing. This significant price premium presents a risk to the Government, as accepting such a price could necessitate a reduction in scope to a downgraded requirement. As documented, this downgraded requirement would fail to meet the minimum technical requirements for Mission Data production and would prevent the Government from securing 100% of its mission capability.

IX. Actions to Overcome Barriers to Competition (RFO 6.104-1(a)(11):

The unit continues to look for and test new technology, looking for opportunities that will remove the need to use brand name products/services while meeting mission requirements.