**JUSTIFICATION & APPROVAL FOR FEDERAL ACQUISITION REGULATION SUBPART 16.5 ACQUISITIONS**

**EXCEPTION TO FAIR OPPORTUNITY**

Multiple Award Contract

Orders under Fair Opportunity

Federal Acquisition Regulation (FAR) 16.505, Defense FAR Supplement 216.505-70, Procedures, Guidance, and Information 216.505-70

Purchase Request Number: {purchaseRequestNumber}

Joint Warfighting Cloud Capability (JWCC) Contract Number: {jwccContractNumber}

Task/Delivery Order Number: TBD

Procurement Title: {title}

Estimated Value: {estimatedValueFormatted}

Statutory and Regulatory Authority: 10 United States Code (U.S.C.) 2304c(b) and FAR

{fairOpportunity.exceptionToFairOpportunity}

**EXCEPTION TO FAIR OPPORTUNITY**

Number: {IF estimatedValue <= 750000}Not Applicable{END-IF}{IF estimatedValue > 750000}*[To be completed by Contracting Office]*{END-IF}

Upon the basis of the following justification, I, as the {IF estimatedValue <= 750000}Contracting Officer{END-IF}{IF estimatedValue > 750000 && estimatedValue <= 15000000}Procuring Activity Competition Advocate (PACA){END-IF}{IF estimatedValue > 15000000 && estimatedValue <= 100000000}Head of Contracting Activity (HCA){END-IF}{IF estimatedValue > 100000000}Senior Procurement Executive (SPE){END-IF}, hereby approve this exception to fair opportunity pursuant to the Statutory Authority of 10 U.S.C. 2304c(b) and Regulatory Authority of FAR {fairOpportunity.exceptionToFairOpportunity}.

1. REQUESTING AGENCY AND CONTRACTING OFFICE:

Requesting Agency:

{agencyLabel}

{organizationFullAddress}

Contracting Activity:

{IF contractingShop === `DITCO`}

Defense Information Systems Agency/Defense Information Technology Contracting Organization/PL85

2300 East Drive

Scott Air Force Base, IL 62225-5406

{END-IF}{IF contractingShop !== `DITCO`}

{otherContractingShopFullAddress}

{END-IF}

2. NATURE/DESCRIPTION OF ACTION(S):

This action is to issue a {taskOrderType} task order (TO) against the JWCC Indefinite Delivery/Indefinite Quantity Contract for {title}. This TO will be issued directly to {fairOpportunity.proposedVendor}.The anticipated period of performance (PoP) is for a {popPeriods}. The total estimated value is{estimatedValueFormatted} of {fundingRequestFiscalYear} {appropriationFundsType} funds.

3. DESCRIPTION OF SUPPLIES/SERVICES:

{scope}

The PoP consists of a {popPeriods} and an estimated value of {estimatedValueFormatted}.

4. SUPPORTING RATIONALE, INCLUDING A DEMONSTRATION THAT THE PROPOSED CONTRACTOR’S UNIQUE QUALIFICATIONS OR THE NATURE OF THE ACQUISITION REQUIRES USE OF AN EXCEPTION TO FAIR OPPORTUNITY:

1. Exception to Fair Opportunity.

{IF fairOpportunity.exceptionToFairOpportunity}

{IF fairOpportunity.exceptionToFairOpportunity == `16.505(b)(2)(i)(C)`}

FAR 16.505(b)(2)(i)(C) - The order must 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.

{END-IF}

{IF fairOpportunity.exceptionToFairOpportunity == `16.505(b)(2)(i)(B)`}

FAR 16.505(b)(2)(i)(B) - 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.

{END-IF}

{IF fairOpportunity.exceptionToFairOpportunity == `16.505(b)(2)(i)(A)`}

FAR 16.505(b)(2)(i)(A) - The agency's need for supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.

{END-IF}

{END-IF}

1. Description of the Justification.

{fairOpportunity.justification}

1. Justification.
2. Minimum Government requirements.

{fairOpportunity.minimumGovernmentRequirements}

1. Proposed sole source contractor.

{fairOpportunity.proposedVendor}

1. Discussion regarding the cause of the sole source situation.

{fairOpportunity.causeOfSoleSourceSituation}

1. Demonstration of unique source.

{fairOpportunity.whyCspIsOnlyCapableSource}

1. Procurement discussion.
2. {fairOpportunity.procurementDiscussion}
3. {IF fairOpportunity.procurementHasExistingEnv}{fairOpportunity.procurementPreviousImpact}{END-IF}
4. Impact.

{fairOpportunity.requirementImpact}

5. COST/PRICE FAIR AND REASONABLE DETERMINATION:

A determination that the price is fair and reasonable will be based on a comparison of the contractor’s proposal to the independent government cost estimate and the JWCC Catalog pricing, including any discounts, which was previously found to be fair and reasonable and based on the contractor’s commercial pricing.

6. MARKET RESEARCH:

Market research was conducted and resulted in a signed market research report on 9 Nov 2021 for the basic JWCC contracts. After a survey of the market, it was concluded that the JWCC Contract is in the Government’s best interest due to technical feasibility and cost to the Government.

{fairOpportunity.marketResearchDetails}

7. ANY OTHER SUPPORTING FACTS: {IF !fairOpportunity.otherFactsToSupportLogicalFollowOn}None.{END-IF}

{IF fairOpportunity.otherFactsToSupportLogicalFollowOn}

{fairOpportunity.otherFactsToSupportLogicalFollowOn}

{END-IF}

8. ACTIONS THE AGENCY MAY TAKE TO REMOVE OR OVERCOME BARRIERS THAT LED TO THE EXCEPTION TO FAIR OPPORTUNITY:

1. Procurement History:

{ EXEC

hasCurrentContract = procurementHistory.length > 0 && procurementHistory[0].currentContractExists}

{IF !hasCurrentContract}

Not Applicable

{END-IF}

{IF hasCurrentContract}

{FOR contract IN procurementHistory}

Contract Number: {$contract.contractNumber}

{IF !$contract.taskDeliveryOrderNumber}

Task Order Number: Not applicable

{END-IF}

{IF $contract.taskDeliveryOrderNumber}

Task Order Number: {$contract.taskDeliveryOrderNumber}

{END-IF}

Period of Performance: {$contract.contractOrderStartDate} - {$contract.contractOrderExpirationDate}

Competitive Status: {$contract.competitiveStatus}

Business Size: {$contract.businessSize}

{END-FOR contract}

{END-IF}

(b) {fairOpportunity.plansToRemoveBarriers}

TECHNICAL CERTIFICATION: I certify that the supporting data under my cognizance which are included in the J&A are accurate and complete to the best of my knowledge and belief.

|  |  |
| --- | --- |
| NAME: {technicalPoc.formalName} | SIGNATURE: |
| TITLE/ORGANIZATION: {technicalPoc.title} |  |
| PHONE: {technicalPoc.phoneAndExtension} | DATE: |

REQUIREMENTS CERTIFICATION: I certify that the supporting data under my cognizance which are included in the J&A are accurate and complete to the best of my knowledge and belief.

|  |  |
| --- | --- |
| NAME: {requirementsPoc.formalName} | SIGNATURE: |
| TITLE/ORGANIZATION: {requirementsPoc.title} |  |
| PHONE: {requirementsPoc.phoneAndExtension} | DATE: |

*[To be completed by Contracting Office]*

CONTRACTING OFFICER {IF estimatedValue >= 250000 && estimatedValue <= 750000}APPROVAL{END-IF}{IF estimatedValue < 250000 || estimatedValue > 750000}CERTIFICATION{END-IF}: I certify that this justification is accurate and complete to the best of my knowledge and belief.

|  |  |
| --- | --- |
| NAME: | SIGNATURE: |
| TITLE/ORGANIZATION: |  |
| PHONE: | DATE: |

{IF estimatedValue > 750000 && estimatedValue <= 15000000}

PROCURING ACTIVITY COMPETITION ADVOCATE APPROVAL: I have reviewed this justification and find it to be accurate and complete to the best of my knowledge and belief. Since this justification does not exceed $15M, this review serves as approval and my written determination that the aforementioned FAR circumstances apply.

|  |  |
| --- | --- |
| NAME: | SIGNATURE: |
| TITLE/ORGANIZATION: |  |
| PHONE: | DATE: |

{END-IF}

{IF estimatedValue > 15000000 && estimatedValue <= 100000000}

HEAD OF THE CONTRACTING ACTIVITY APPROVAL: I have reviewed this justification and find it to be accurate and complete to the best of my knowledge and belief. Since this justification does not exceed $100M, this review serves as approval.

|  |  |
| --- | --- |
| NAME: | SIGNATURE: |
| TITLE/ORGANIZATION: |  |
| PHONE: | DATE: |

{END-IF}

{IF estimatedValue > 100000000}

SENIOR PROCUREMENT EXECUTIVE APPROVAL: I have reviewed this justification and find it to be accurate and complete to the best of my knowledge and belief. Since this justification exceeds $100M, this review serves as approval.

|  |  |
| --- | --- |
| NAME: | SIGNATURE: |
| TITLE/ORGANIZATION: |  |
| PHONE: | DATE: |

{END-IF}

ALL QUESTIONS REGARDING THIS JUSTIFICATION ARE TO BE REFERRED TO *[insert name, phone number, and email of Contracting Officer or Contract Specialist as appropriate]*