

**Security Marking (select from the drop-down list)**

**Justification for an Exception to Fair Opportunity or to Use Brand-Name Restriction**

Is this a brand-name justification? ☒ Yes ☐ No

Please provide the product title and description. [ [FAR16.505\(a\)\(4\)\(i\)](#) ]

Brand-Name Product Title: Motorola

Brand-Name Product Description: AVTEC Dispatch Consoles & VESTA Consoles

Is this a Bridge Action as defined in the AF Bridge Action Reduction Plan? ☐ Yes ☒ No

Contracting Activity: 18 CONS/PKA

Purchase Request / Local ID Number: F2H1A74176A001

Program Name (and Program Element, if applicable): Motorola Communication Consoles

Estimated Cost/Price of the Order (including options): [REDACTED]

Type Program (see DAFFARS 5302.101 for definitions): ☐ PEO Program ☒ Operational ☐ Enterprise

Type of Determination: ☒ Individual ☐ Class Expires: [ click and select ]

[Click here for instructions to complete the boxes below.](#)

**(1) Contracting Activity:**

U.S. Air Force (USAF), Pacific Air Forces (PACAF), 18th Wing, 18th Contracting Squadron, Kadena Air Base, Okinawa, Japan

**(2) Nature and/or description of the action being approved:**

The agency is purchasing new equipment to expand its network. The action being processed is a brand name justification to ensure the interoperability of equipment being purchased with equipment already on the Air Force network.

**(3) Description of the supplies/services required to meet the agency's needs:**

The key objective of this contract is to install 11 new AVTEC dispatch consoles at 2 locations. 7 consoles are to be located at the RAPCON Bldg. 3413 and 4 consoles are to be located at the alt ATC Bldg. 3579. Additionally, install 13 new VESTA consoles at 3 locations. 7 consoles are to be located at the RAPCON Bldg. 3413, 4 consoles are to be located at the alt ATC Bldg. 3579, and 2 consoles are to be located at the Fukuoka ATMC. The solution shall provide critical communications elements, including telephony call processing, land mobile radio (LMR) integration, tactical radio integration, conference bridging, and digital voice recording. The equipment will support base-wide capabilities. This proposed solution shall be for the implementation of 11 total AVTEC consoles and 13 total VESTA consoles.

**(4) Justification for restricting consideration to a brand-name item:**

The selection of Motorola VESTA/AVTEC equipment for the 18 WG Joint Airspace and Range Management Facility will make this facility interoperable with existing systems supporting emergency and airfield service communications on Kadena AB, elsewhere on island, other locations in the IP2LMR network on the Japanese mainland, in Korea, and in Hawaii. The expanded system will help manage airspace and air operations throughout the Japan Area of Operations. The IP2LMR system uses Motorola equipment; it uses proprietary encryption. Because Motorola does not share its intellectual property regarding communications security, other manufacturer's equipment is not interoperable.

Reliable and secure telephone and radio connectivity is important for emergency services, air traffic, and

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airspace management functions. Only Motorola or an authorized reseller of Motorola products can sell the equipment necessary. Ancillary parts may not have any proprietary requirement, but the Air Force's requirement is for a complete system that is interoperable with existing MCC 7500 and VESTA systems at Kadena AB and throughout PACAF.

Use of a different system would require modification to the Zone Controller, as well as upgrading all sites and consoles; the estimated cost of a system modification may be up to \$50M. In addition, to accomplish the modification, it would delay the availability of the service, and affect mission performance for military installations throughout Japan. Motorola has been maintaining the IP2LMR network that has met the U.S Government standards since 2008.

The critical nature of the ETVS System requires urgent acquisition of the proposed new system for 18 OSS. The current system is unreliable and in need of immediate upgrade to ensure that radio/telephone calls intended for Kadena AB are received properly and ensure reliable communications with aircraft and adjacent air traffic and airspace management facilities. New equipment to add redundancy is important.

VESTA is manufactured by Airbus DS Communication, and Motorola Solutions Inc. has partnered with Airbus to provide an upgrade to the positions. Latest Airbus VESTA achieved JITC certification, making it an IP-based system approved for use by the DoD. VESTA is a telephone console system that is designed to provide a functional addition to the VESTA telephone set using a Computer Telephone Integrated (CTI) running on a standard Windows PC platform. The VESTA system is designed to operate in a client/server environment on a Local Area Network. This distributed architecture allows each workstation to operate independently while sharing common files needed via a network server.

Motorola Solutions Inc. and its authorized distributors are trained to install and integrate this equipment with other Motorola equipment. The importance of proper installation and on-site response is a requirement. If technical services are needed during installation, on-site response and repair are critical in keeping critical communications to and from our management centers available.

In sum, the supplies necessary unique, that is, available from one manufacturer, and the skills to install and integrate the items are highly specialized, that is, available from the manufacturer or its authorized distributors.

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

The solicitation will be posted on the TacCom II IDIQ platform. Based on market research, we have identified at least four vendors that can provide the specific brand required for this procurement. We anticipate receiving competitive quotes from these vendors, which will enable us to determine a fair and reasonable anticipated cost for the government.

**(6) Other facts supporting the justification:**

N/A

**(7) Actions the agency may take to remove or overcome any barriers to decreasing the use of brand-name items before any subsequent acquisition of the supplies or services:**

In an effort to remove or overcome such a barrier to competition in the future, the market will be scanned frequently for new companies that can satisfy this requirement. The government will also continuously review regulations as set by the Air Force Flight Standards Agency for any new brands that are approved.

**(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.

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
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(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.

(10) Approving Official's determination that [FAR16.505\(a\)\(4\)\(i\)](#) applies to the order:

As evidenced by my signature below, I hereby determine that the use of brand-name restriction applies.

Date 07 Feb 2025	Program Manager Christopher Dong 18 OSS DSN: 634-4597	Signature DONG.CHRISTOPH ER.1257455765 	Digitally signed by DONG.CHRISTOPHER.1257455765 Date: 2025.02.07 13:14:07 +09'00'
Date 07 Feb 2025	Contracting Officer TSgt Justin K. Townsend 18 CONS/PKA/ 634-4789	Signature TOWNSEND.JUSTIN .KALEB.1469987538 	Digitally signed by TOWNSEND.JUSTIN.KALEB.1469987538 Date: 2025.02.07 13:25:33 +09'00'
Date 18 Feb 2025	Local Legal Reviewer Mr. Kenneth McKay 18 WG/JAG/634-4920	Signature MCKAY.KENNETH. B.1092405016 	Digitally signed by MCKAY.KENNETH.B.1092405016 Date: 2025.02.18 14:50:59 +09'00'
Date 20 Feb 2025	Competition Advocate CMSgt Joe Salazar Jr. AFICC/KH (OL-PAC)/ (808)447-6128	Signature SALAZAR.JOE.JR.12 40404164 	Digitally signed by SALAZAR.JOE.JR.1240404164 Date: 2025.02.20 16:29:26 -10'00'

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### Instructions for Completing the Template IAW FAR 16.505(b)(2)(ii)(B)

- (2) State whether the action is a new order or a modification to an existing order. Identify the basic multiple award contract number and the order number for the current action. Also identify the type of the order/line items on the order (e.g., Firm Fixed price, Cost Plus Fixed Fee, etc.).
- (3) Specifically describe the supplies/services to be acquired including the price/cost and quantity of each item in the order and the total estimated value of the order. For services, state whether services are performance-based, and if not, provide rationale for not being performance based. State the delivery/performance schedule/period for the items under the order. Explain how the requirement/order fits under the scope of the basic multiple award contracts. (Note: The Contracting Officer must ensure that the order is issued within the period of performance and within the maximum value of the contract).
- (4) Include the appropriate exception from FAR 16.505 (b)(2) and the supporting rationale. FAR 16.505(b)(1)(i) requires the Contracting Officer to provide each awardee under a multiple award contract, a fair opportunity to be considered for each order exceeding \$3,000 unless a statutory exception applies. The specific exception that precludes the fair opportunity process for this acquisition is FAR 16.505(b)(2)(i)(    ) [Insert A, B, C, D, or E]. If a brand name product description is being justified, use this section to explain why the particular brand name, product, or feature is essential to the Government's requirements and why other companies' similar products/services do not meet, or cannot be modified to meet, the agency's needs.

**FAR 16.505(b)(2)(i)(A):** “The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays”. When using this exception provide a detailed justification with supporting documentation that explains the exact urgency of the requirement and the mission impact if awarded to any other contractor. The user/customer typically provides this supporting information. Recommend attaching supporting documentation to the back of the document. General statements of urgency are not acceptable.

**FAR 16.505(b)(2)(i)(B):** “Only one awardee is capable of providing the supplies or services required at the level at the level of quality required because the supplies or services ordered are unique or highly specialized”. When using this exception provide a detailed justification, with supporting documentation, as evidence of the “unique or highly specialized” nature of the procurement. The user/customer typically provides this supporting information. Supporting documentation may be attached to the back of the document. General statements are not acceptable.

**FAR 16.505(b)(2)(i)(C):** “The order must be issued on a sole-source basis in the interest of economy and efficiency as 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”. When using this exception provide information on the previously competed order under this contract and detail the economies and efficiencies that will be obtained by going sole source for the follow-on order. The user/customer typically provides this supporting information. General statements are not acceptable.

**FAR 16.505(b)(2)(i)(D):** “It is necessary to place an order to satisfy a minimum guarantee.”

**FAR 16.505(b)(2)(i)(E):** “For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source.”

Discuss the market research that was conducted by the user/technical team/contracting officer among the supplies/services of all awardees that resulted in the conclusion that a fair opportunity exception applied. The narrative in this section should provide a high level of confidence that the requirements of FAR 16.505(b)(1) and DFARS 216.505-70 could not be met. If no market research was conducted, state so and provide the rationale. If any other awardee expressed interest in fulfilling the requirement, but was not considered a potential source, explain why that awardee cannot provide the required supplies/perform the service.

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If the use of a brand name purchase description is being justified, the market research should include an analysis of any industry proposed alternative products or approaches to meeting the requirements. Additionally, the Government's efforts to identify as many potential sources as practicable offering the required brand name item(s) should be addressed.

(5) This paragraph needs to be tailored based on the types of CLINs in the order and the pricing arrangements on the basic multiple award contract. If the contract did not establish the price for the supply or service, the Contracting Officer must establish prices for each order IAW [FAR 15.4](#). The paragraph needs to describe the steps that will ensure that the prices/estimated cost of the order will be fair and reasonable. For example, even if firm-fixed prices were obtained under adequate price competition in the award of the multiple award contract, the Contracting Officer still needs to consider market conditions and other factors that may have changed since contract award and explain the basis in the determination that prices/costs are fair and reasonable prior to award of the order.

(6) Provide any other facts supporting the use of exceptions to the fair opportunity process.

(7) Include a statement of the actions, if any, to be taken 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. If no actions are planned, so state and provide reasons.