

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION  
Kennedy Space Center  
JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION  
For 80KCS021R0034/Venture-Class Acquisition of Dedicated and Rideshare  
Launch Services Multiple Award Indefinite Delivery Indefinite Quantity Contract

1. **Federal Acquisition Regulation (FAR) 6.303-2(b)(1) – Identification of the agency and the contracting activity, and specific identification of the document as a “Justification for other than full and open competition.”**

This document is a justification for other than full and open competition (JOFOC) prepared by the National Aeronautics and Space Administration’s (NASA) Kennedy Space Center (KSC).

The procuring agency is NASA, and the contracting activity is KSC.

2. **FAR 6.303-2(b)(2) – The nature and/or description of the action being approved:**

This justification provides the rationale for contracting by other than full and open competition to award a contract to Firefly Space Transport Services, LLC (Firefly) under the Venture-Class Acquisition of Dedicated and Rideshare (VADR) Launch Services Multiple Award Indefinite Delivery Indefinite Quantity (IDIQ) Contract. Upon issuance of a VADR IDIQ contract, Firefly will then be eligible to compete for launch service task orders with other VADR contract holders.

3. **FAR 6.303-2(b)(3) – A description of the supplies or services required, to meet the Agency’s needs (including the estimated value):**

NASA/ KSC has a requirement in support of the Launch Services Program (LSP) for a small-lift launch vehicle capable of delivering dedicated payloads under the VADR Launch Services contract for missions requiring launch by 2024. The VADR contract is a multiple award IDIQ contract through which KSC is establishing an industrial base of launch vehicles for a variety of NASA and NASA-sponsored payloads with requirements to reach a variety of orbits including escape. Within the contract, launch vehicle capabilities for dedicated launch services can be subdivided into the following three capability groupings: below 500 kg, 500-1000 kg, and above 1,000 kg. Under each grouping, NASA has a need to have multiple providers capable of providing a cost-effective dedicated launch service to meet spacecraft requirements over the next several years, ensure a healthy competitive environment, and establish an industrial base of launch service providers. At this time, there is only one provider on contract that is expected to be capable of providing cost-effective dedicated launch services in the 500-1,000 kg grouping over the next few years. Therefore, this action is needed to acquire an additional capability from Firefly for this grouping.

Based on projected spacecraft requirements over the next five years, the ceiling for this contract is \$300,000,000, inclusive of all contracts.

**4. FAR 6.303-2(b)(4) – An identification of the statutory authority permitting other than full and open competition:**

The statutory authority permitting other than full and open competition is 10 U.S.C. 2304(c)(3), as implemented by FAR 6.302-3 Industrial mobilization; engineering, developmental, or research capability; or expert services (10 U.S.C. 2304(c)(3)).

**5. FAR 6.303-2(b)(5) – A demonstration that the proposed contractor’s unique qualifications or the nature of the acquisition requires use of the authority cited:**

The rationale supporting the use of 10 U.S.C. 2304(c)(3) is the need to establish and maintain a commercial industrial base of launch providers as described below.

Within NASA’s VADR launch service contract, launch vehicle capabilities for dedicated launch services can be subdivided into the following three capability groupings: below 500 kg, 500-1000 kg, and above 1,000 kg. For the 500-1,000 kg grouping, only [REDACTED] and Firefly are expected to have launch vehicles in place in time to support missions through 2024, as discussed below in the section 8. Of these two, Firefly is the only launch vehicle provider that has completed development and conducted its first test launch of their Alpha Launch Vehicle. [REDACTED] Currently, only [REDACTED] is onboarded on the VADR contract. The need for multiple capabilities in this grouping is further compounded by the fact that all of the providers in this range are offering new vehicles and a single failure, with only one provider on contract, will detract from NASA’s ability to successfully fly existing and near future missions. Accordingly, in order to develop an industrial base of launch vehicle providers in the 500-1,000 kg grouping and ensure a competitive environment for missions launching in the near future, there is a need to add Firefly’s capabilities to the VADR multiple award IDIQ contract.

The ability to use this authority is derived from the National Space Policy, established December 9, 2020. One of the underlying principles in the policy is that “The United States remains committed to encouraging and facilitating the continued growth of a domestic commercial space sector that is globally competitive, supports national interests, and advances United States leadership in the generation of new markets and innovation-driven entrepreneurship.” Accordingly, the policy lays out the goal of promoting and incentivizing private industry to facilitate the domestic markets for United States space services and it provides the foundational activity of strengthening and securing the United States industrial base. In addition, the United States Space Priorities Framework, established in December of 2021, provides key foundational policies to enable the United States to fulfill its principles and goals. Among the priorities in the framework, is the charge for the United States to “strengthen the security of the U.S. space industrial base” through resilient supply chains. Finally, this approach is consistent with U.S.C. 51, §102, Policy, which requires the United States to “sustain a mixed fleet by utilizing commercial expendable launch vehicle services to the fullest extent practicable.”

Therefore, onboarding Firefly onto the VADR contract is necessary to follow the established policies to expand the launch vehicle supply chain available under the VADR contract. Onboarding Firefly on the contract will promote the acquisition of secure, reliable, cost-effective, and responsive commercial launch services.

**6. FAR 6.303-2(b)(6) – A description of the efforts made to ensure that offers are solicited from as many potential sources as practicable, including whether a notice was or will be publicized as required by Subpart 5.2 and, if not, which exception under 5.202 applies:**

A notice to the Government Point of Entry (GPE) website (Sam.gov) was published on July 1, 2022, in accordance with FAR Subpart 5.2. This posting informed potential sources of NASA's intent to award this sole-source contract to Firefly. The results of this synopsis are summarized in Section 10 below.

**7. FAR 6.303-2(b)(7) – A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable:**

The Contracting Officer's signature on this document indicates that the Contracting Officer has determined that the anticipated cost to the government will be fair and reasonable. The Contractor shall be required to submit a proposal to be evaluated and negotiated by the Government. Prior to execution of the contractual instrument, a proposal analysis will be performed. The proposal analysis will ensure that the final agreed-to price for the contract action is fair and reasonable.

**8. FAR 6.303-2(b)(8) – Description of the market research conducted, and the results, or a statement of the reasons market research was not conducted:**

The Contracting Officer and LSP are continuously monitoring the launch services market for new entrants and capabilities via a combination of attendance at space symposiums/conferences, on-going relationships with current providers, information publicly available, and synopses to the government point of entry.

Most recently in April 2022, the LSP Launch Services Development and Risk Manager attended the Space Symposium which included over 10,000 launch service providers and users from across the space industry. During this symposium, the Risk Manager met one-on-one with launch service providers, new and established, and attended briefings regarding the capabilities of these providers' launch vehicles. Furthermore, over the past six months LSP technical managers have participated in the Space Force Mission Assurance Forum, the CubeSat Developers Workshop, and the Space Opportunities Launch and Ride Share conference, where launch service provider capabilities are further discussed with providers and other agencies.

In addition to these symposiums/conferences, the LSP Contracting Officers and Contracting Officer Representatives have a close relationship with the launch service providers under one or more of the contracts in LSP's portfolio to include the NASA Launch Services (NLS) contract and the VADR contract. Accordingly, based on the knowledge gained under these





In response to the need for an industrial base of providers in the 500-1,000 kg grouping, a notice of NASA's intent to award this sole-source action was synopsized on the government point of entry (GPE) website. The synopsis was posted on July 1, 2022, allowing companies to respond with their capabilities and qualification to perform the effort. No responses were received.

**9. FAR 6.303-2(b)(9) – Any other facts supporting the use of other than full and open competition:**

Over the past several years NASA and other agencies have increased the use of risk tolerant, Class D and below, spacecraft for mission needs. The preponderance of these spacecraft are less than 1,000 kg and currently LSP is working the following missions, which would likely have the most cost-effective launch vehicle for a dedicated service in the 500-1,000 kg capability grouping:

[REDACTED] In addition to these missions, there is a strong likelihood that there will be at least another [REDACTED] missions with capability needs within this grouping.

The VADR contract does include an ability to on-ramp new providers; however, given the recency of the VADR award in early 2022, there are not any other known viable launch service providers. Conducting an on-ramp at this time would only result in additional time and resources due to the likelihood of receiving multiple proposals from companies with launch vehicles that have not further developed to a point of viability compared to level of development at the time of the VADR awards. Over the past several years the market has seen an influx of start-up companies, and these companies often submit proposals to the risk tolerant missions even though their launch vehicles have not reached a mature enough state. Accordingly, conducting an on-ramp at this time, for the purposes of bringing on only one launch vehicle provider, is not in the best interest of the government.

**10. FAR 6.303-2(b)(10) – A listing of the sources, if any, that expressed an interest in writing in the acquisition:**

A notice of NASA's intent to award this sole-source action was synopsized on the GPE website (Sam.gov) per FAR Subpart 5.2 (See Section 6 above). The synopsis was posted on July 1, 2022 and allowed for responses through July 11, 2022. No responses were received.

**11. FAR 6.303-2(b)(11) – A statement of actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required:**

The VADR contract includes an On-ramp clause, which allows the agency to add additional providers when the market demonstrates available capabilities not currently on contract, that can meet the needs of the agency's future mission requirements. The initial contract was awarded in January 2022 to all known providers with a developed launch vehicle or launch vehicle in the later stages of development. Additionally, the agency, and more specifically

LSP, continues to examine the market for alternative solutions or new sources for VADR (via an on-ramp) before executing any subsequent acquisitions for the same requirements. Finally, the addition of Firefly to the VADR suite of IDIQ contracts is anticipated to increase competition for subsequent launch services task orders under VADR.