**FAIR OPPORTUNITY EXCEPTIONS**

There are six exceptions to competition in FAR 16.505 that apply to multiple-award Task Order (TO) requirements. They are listed below along with policy interpretations.

1. **URGENCY**

This exception applies in cases of “public exigency.” The agency need for such services is so urgent, that providing a fair opportunity would result in unacceptable delays. However, the user must objectively demonstrate that the public interest would suffer if requirements were not fulﬁlled, e.g., failure to develop a program by a date mandated by Congress, etc. A failure to meet established work requirements is not a sufﬁcient cause, unless it can be demonstrated that some public interest is threatened.

1. **UNIQUE REQUIREMENTS**

This exception applies when only one awardee is capable of providing the required services, at a sufﬁcient quality level, because the services ordered are unique or highly specialized.

1. **FOLLOW-ON**

In this case, 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 a TO already issued under the ProTech contract. This exception is available only if all awardees were given a fair opportunity to be considered for the original order. The following information must be provided: (a) reference to the prior TO under ProTech, (b) reference to the competition that was conducted under ProTech that resulted in the incumbent’s award, and (c) some evidence that the project is a continuation of ongoing efforts toward the same ends.

Note: If the order is a follow-on to a TO that was not issued under ProTech, or is an order for which the ProTech awardees were not given the opportunity to compete, this exception CANNOT be used.

1. **GUARANTEED MINIMUM**

This exception applies when it is necessary to place an order to satisfy a minimum guarantee.

1. **STATUTE REQUIREMENT/AUTHORIZATION**

This exception applies where TOs exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source.

1. **SMALL BUSINESS SET ASIDE**

In accordance with section 1331 of Public Law 111-240 ([15 U.S.C. 644](http://uscode.house.gov/)(r)), contracting officers may, at their discretion, set aside orders for any of the small business concerns identified in [19.000](https://www.acquisition.gov/far/current/html/Subpart%2019_1.html#wp1101780)(a)(3). When setting aside orders for small business concerns, the specific small business program eligibility requirements identified in FAR [19](https://www.acquisition.gov/far/current/html/FARTOCP19.html#wp223561) apply.