



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

MAY 20 2004

MEMORANDUM FOR DIRECTORS, DEFENSE AGENCIES
DEPUTY ASSISTANT SECRETARY OF THE ARMY (POLICY
AND PROCUREMENT), ASA(ALT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION MANAGEMENT), ASN(RDA)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC
EXECUTIVE DIRECTOR, ACQUISITION, TECHNOLOGY
AND SUPPLY DIRECTORATE (DLA)

SUBJECT: Emergency Procurement Flexibilities

Existing laws and regulations provide considerable flexibility for acquisitions that support urgent situations and national security requirements. To ensure timely contracting support, the acquisition community needs to be aware of the options and apply the flexibilities that are most appropriate for meeting a given requirement. To that end, I would like to highlight some of the flexibilities.

A combined synopsis and solicitation can be used to reduce the time required to solicit and award contracts for commercial items. Contracting officers may treat any acquisition as an acquisition of commercial items if the supplies or services are used to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack. Acquisitions issued using the "Unusual and Compelling Urgency" exemption under the Competition in Contracting Act are generally exempt from synopsis requirements if the Government would be seriously injured by the standard synopsis timeline. In addition, the supporting justification can be made and approved after contract award when preparation and approval prior to award would unreasonably delay the acquisition. Finally, newly enacted provisions increase both the micro-purchase threshold and the simplified acquisition threshold for acquisition that are used in support of a contingency operation or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack. Links to additional examples of acquisition flexibilities and a matrix outlining the special emergency procurement authority are contained in the attachment.

If existing provisions preclude you from taking actions you determine necessary, I expect you to support, authorize and seek appropriate deviations, as well as provide me feedback.



My point of contact for this action is Robin Schulze. She can be reached at 703-614-1509 or robin.schulze@osd.mil.



Deidre A. Lee
Director, Defense Procurement
and Acquisition Policy

Attachment:
As stated

Acquisition Flexibilities

Defense Procurement and Acquisition Policy
Summary Matrix for Procurement Authorities

Acquisition Flexibility for Urgent Needs, dated April 4, 2003

Air Force

Delegation of Authority for Acquisition of Supplies or Services for Defense Against or Recovery from Nuclear, Biological, Chemical, or Radiological Attack (FAC 2001-20), dated March 5, 2004

Undefinitized Contract Actions and Contingency Operations in Support of Operation Iraqi Freedom, dated September 26, 2003

Rapid, Agile Contracting Support During Operation Enduring Freedom, dated October 5, 2001

Army

Message on Expediting Contracting Award, dated March 19, 2003

Navy

Delegation of Authority for Acquisition of Supplies or Services for Defense Against or Recovery from Nuclear, Biological, Chemical, or Radiological Attack (FAC 2001-20), dated March 7, 2003

Summary Matrix for Emergency Procurement Authorities (Ver.2)

	Current	<u>Temp Emergency Proc. Authority</u>	<u>Homeland Security Act</u>	<u>Special Emergency Procurement Authority</u>
Effective Date		12/28/2002 –9/30/2003	1/24/2003 – 11/24/2003	February 23, 2004
Applicability		Funds Obligated by DoD	Solicitations Issued by Federal Agencies	Acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support a contingency operation <u>or</u> to facilitate the defense against or the recovery from nuclear, biological, chemical or radiological attack.
Micro-purchase Threshold (construction)	\$2,500 (\$2,000)	\$15,000 (\$2,000)	\$7,500 (\$2,000)	\$15,000 (\$2,000)
Simplified Acquisition Threshold	\$100,000	For “contingency” Inside US = \$250,000	For “contingency Opns” Inside US = \$200,000	For Procurements In US = \$250,000
Purchase outside US for Contingency or Peacekeeping/ Humanitarian Opns	\$200,000	To support defense against terrorism or Chemical/Bio-logical attack in contingency Outside US = \$500,000	To support defense against, recovery from terrorism or Chem/Bio/Nuclear/ Radiological attack in contingency operations Outside US = \$300,000	Outside US = \$500,000

Commercial Item Rules	Use Part 12 for Coml Items	Treat buys for Biotechnology and Biotechnology Services as Commercial Items	Treat Buys To Support Defense Against, Recovery From Terrorism Or Chem/Bio/Nuclear/Radiological Attack As Commercial Items;	<ul style="list-style-type: none"> - Supplies and services used to facilitate the defense against or recovery from nuclear, bio/chem/radiological attack may be treated as commercial items. - Sole source contracts over \$15M for such items are not exempted from CAS or Cost/pricing data requirements.
	Use FAR 13.5 SAP for Commercial Items to \$5M	Not Applicable	Use FAR 13.5 SAP <u>with UNLIMITED \$</u>	Use FAR 13.5 SAP up to \$10M
Small Business Set-Aside (FAR 19.502)	\$2,500 - \$100,000	\$15,000 - \$100,00	\$7,500 - 100,000 For “Contingency Opns” Inside US \$7,500- \$200,000	\$15,000 - \$250,000
Very Sm Business Pilot Program (FAR 19.903)	\$2,500 – \$50,000	\$15,000 – \$50,000	\$7,500 – \$50,000	Not Applicable
Dollar limit on sole source 8(a) (FAR 19.805)	\$5M with (NAICS) Mfg & \$ 3 M all others	Not Applicable	Eliminated dollar limitations on sole source 8(a) acquisitions and HUBZone Sole Source for buys to support defense against, recovery from terrorism or Chem/Bio/Nuclear/Radiological attack.	Not Applicable
HUBZone	\$5M (NAICS) Mfg, \$3 M other (NAICS)	Not Applicable		Not Applicable
Buy-American Act Clause (FAR 52.225-1)	Apply to solict. & contracts over \$2,500	Apply to solict. & contracts over \$15,000	Apply to solict. & contracts over \$7,500	Apply to solicitations & contracts over \$15,000



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301 3000

APRIL 4, 2003

MEMORANDUM FOR DIRECTORS, DEFENSE AGENCIES
ACTING DEPUTY ASSISTANT SECRETARY OF THE
ARMY (POLICY AND PROCUREMENT), ASA(ALT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION MANAGEMENT), ASN(RDA)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC
DIRECTOR, DEFENSE CONTRACT MANAGEMENT AGENCY
EXECUTIVE DIRECTOR, ACQUISITION, TECHNOLOGY,
AND SUPPLY (DLA)

SUBJECT: Acquisition Flexibility for Urgent Needs

We are challenged every day to solicit industry, award and modify contracts, deliver capability and make payment faster. Speed is increasingly a critical measure of success particularly as we support overseas military operations and the defense against terrorism. As we create strategies to quickly meet these needs, we should use the flexibility of FAR and DoD FAR Supplement (DFARS) authorities that exist to support urgent situations and national security requirements. In those circumstances where you are specifically precluded from taking actions you determine necessary, I expect you to support, authorize or seek appropriate deviations and give me feedback.

The Air Force recently issued guidance highlighting many existing techniques for rapid, agile contracting support (available at <http://www.acq.osd.mil/dpap>). I wholeheartedly support these techniques and urge you to put them into practice where appropriate. Recently, we published significant changes to the FAR authorized by the Homeland Security Act. These authorities, coupled with DoD's temporary emergency procurement authority, increase the thresholds for using simplified acquisition procedures. They also allow us to treat buys that directly support defense against or recovery from terrorism or chemical, biological, nuclear or radiological attack as commercial items with no dollar limitation for use of simplified acquisition procedures. These are bold opportunities, if used with diligence, can achieve significant results for our customers. You may find the attached matrix helpful in promoting the use of these authorities.

I challenge the acquisition leadership to push new and existing authorities to the contracting officer and aggressively pursue and approve FAR and DFARS deviations when needed. Please let me know when you identify opportunities to improve processes,



shorten cycle times, and enhance responsiveness to the customer. Our web site to collect this information is www.acq.osd.mil/dp/dars/transf. We will use your input to assess results and make needed changes.

Please pass on my gratitude to the acquisition workforce for their continued dedication and commitment to the Department's mission. My points of contact are Ms. Angelena Moy (DPAP/DARS) at (703) 602-1302 or e-mail: angelena.moy@osd.mil and Mr. William Timperley (DPAP/Policy) at (703) 697-8336 or e-mail: william.timperley@osd.mil.



Deidre A. Lee
Director, Defense Procurement and
Acquisition Policy

Attachment:
As stated

Summary Matrix for The Temp Emergency Procurement and the Homeland Security Authorities

	Temp Emergency Procurement Authority Funds Obligated by DoD 12/28/2002 – 9/30/2003	Homeland Security Act Solicitations Issued by Federal Agencies 1/24/2003 – 11/24/2003
Current	\$2,500 (\$2,000)	\$7,500 (\$2,000)
Micro-purchase Threshold (construction)	\$100,000	For “contingency Opns” Inside US = \$200,000
Simplified Acquisition Threshold	\$200,000	To support defense against, recovery from terrorism or Chem/Bio/Nuclear/Radiologic al attack in contingency Outside US = \$300,000
Purchase outside US for Contingency or Peacekeeping/ Humanitarian Opns	Use Part 12 for Coml Items; use 13.5 SAP for Coml Items to \$5M	Treat buys to support defense against, recovery from terrorism or Chem/Bio/ Nuclear/Radiological attack as Commercial Items; Use FAR 13.5 SAP UNLIMITED \$
Commercial Item Rules		

*This summary matrix is intended as a quick reference tool. The FAR is the authoritative source for the use of these authorities.

**Summary Matrix for
The Temp Emergency Procurement and the Homeland Security Authorities**

	Temp Emergency Procurement Authority <u>Funds Obligated by DoD</u> 12/28/2002 – 9/30/2003	Homeland Security Act <u>Solicitations Issued by Federal Agencies</u> 1/24/2003 – 11/24/2003
Current		
Small Business Set-Aside (FAR 19.502)	\$2,500 - \$100,000	\$7,500 -100,000 For “contingency opns” Inside US \$7,500-\$200,000
Very Sm Business Pilot Program (FAR 19.903)	\$2,500 – \$50,000	\$7,500 –\$50,000
Dollar limit on sole source 8(a) (FAR 19.805)	\$5M with (NAICS) Mfg & \$ 3 M all others	Eliminated dollar limitations on sole source 8(a) acquisitions and HUBZone Sole Source for buys to support defense against, recovery from terrorism or Chem/Bio/ Nuclear/Radiological attack.
HUBZone	--	
Buy-American Act Clause (FAR 52.225-1)	Apply to solicit. & contracts over \$2,500	Apply to solicit. & contracts over \$7,500

*This summary matrix is intended as a quick reference tool. The FAR is the authoritative source for the use of these authorities.



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC

05 MAR 2004

Office Of The Assistant Secretary

Contract Policy Memo 04-C-03

MEMORANDUM FOR ALMAJCOM/FOA/DRU (CONTRACTING)

FROM: SAF/AQC
1060 Air Force Pentagon
Washington, DC 20330-1060

SUBJECT: Delegation of Authority for Acquisition of Supplies or Services for Defense
Against or Recovery from Nuclear, Biological, Chemical or Radiological Attack
(FAC 2001-20)

The Federal Acquisition Regulation Council issued Federal Acquisition Circular (FAC) 2001-20 on February 23, 2004 as an interim rule implementing Section 1443 of the Services Acquisition Reform Act of 2003 (Public Law 108-136).

The FAC increases the amount of the micro-purchase threshold and the simplified acquisition threshold for acquisitions of supplies or services, as determined by the head of the agency, that are for use in support of a contingency operation or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack. The FAC also provides for streamlined commercial procedures for acquisition of supplies and services, as determined by the head of the agency, to use to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack.

This head of the agency authority is delegated to the Head of the Contracting Activities (HCA) as described in Air Force Federal Acquisition Regulation Supplement (AFFARS) 5301.601 (a)(i). HCAs may delegate this authority no lower than the Buying Office Contracting Official or the chief of the contracting office, as defined in AFFARS 5302.101.

Direct any questions to Mr. David Powell, SAF/AQCP, DSN 425-7062 or (703) 588-7062.

A handwritten signature in black ink, appearing to read "Charlie E. Williams, Jr.".

CHARLIE E. WILLIAMS, JR.
Deputy Assistant Secretary (Contracting)
Assistant Secretary (Acquisition)



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC

Office Of The Assistant Secretary

26 SEP 2003

Contract Policy Memo 03-C-13

MEMORANDUM FOR ALMAJCOM/FOA/DRU (CONTRACTING)

FROM: SAF/AQC
1060 Air Force Pentagon
Washington, DC 20330-1060

SUBJECT: Undefined Contract Actions and Contingency Operations in Support of
Operation Iraqi Freedom

The Defense Federal Acquisition Regulation Supplement (DFARS) 217.74, Undefined Contract Actions (UCA), implements 10 U.S.C. 2326 that imposes limitations on obligations and definitization schedule. It also provides for waiving these limitations if it is determined that a waiver is necessary to support "(1) A contingency operation as defined in 10 U.S.C. 101(a)(13)."

Operation Iraqi Freedom is the name associated with the war in Iraq. SAF/AQC memo 03-C-06, dated 21 March 2003, determined that Operation Iraqi Freedom is a contingency operation.

I, therefore, determine to waive, as described below, the limitations in DFARS 217.7404-3, Definitization schedule, and 217.7404-4, Limitations on obligations, for undefined contract actions that support Operation Iraqi Freedom.

Contracting officers will use the following limitations when supporting Operation Iraqi Freedom. In DFARS 217.7404-4, replace "50 percent" with "75 percent", and "75 percent" with "90 percent." Also, under exceptional circumstances the UCA approval official may permit obligation up to 100 percent. In addition, the UCA approving official may extend the definitization schedule requirements in 217.7404-3. Contracting officers must reference this memo when preparing approval documentation.

This DFARS waiver applies to actions that support Operation Iraqi Freedom. The DFARS waiver in SAF/AQC memo EF-01-03, dated 28 Nov 01, is still valid for Operations Enduring Freedom and Noble Eagle. All other undefined contract actions must comply with DFARS 217.74.

I am granting this waiver to help support Operation Iraqi Freedom, but everyone needs to remember that UCA's are not our normal means of conducting business and we should only use them when the negotiation of a definitive contract action is not feasible to meet our requirements.

If you have any questions, please contact David Powell, SAF/AQCP, at (703) 588-7062, DSN 425-7062 or e-mail david.powell@pentagon.af.mil.

A handwritten signature in black ink that reads "Maureen M. Clay". The signature is written in a cursive, flowing style.

MAUREEN M. CLAY, Col, USAF
Associate Deputy Assistant
Secretary (Contracting)
Assistant Secretary (Acquisition)



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office Of The Assistant Secretary

5 Oct 2001

ENDURING FREEDOM MEMO EF-01-01

MEMORANDUM FOR ALMAJCOM/DRU/FOA (CONTRACTING)

FROM: SAF/AQC
1060 Air Force Pentagon
Washington, DC 20330-1060

SUBJECT: Rapid, Agile Contracting Support During Operation ENDURING FREEDOM

I expect all members of the Air Force Acquisition community to use all available techniques to provide rapid and responsive support to our customers during Operation ENDURING FREEDOM, and our Nation's War on Terrorism. During the past couple of weeks I've heard lots of folks say that the FAR and statutes such as the Competition in Contracting Act (CICA) hinder us from responding quickly to warriors' requirements. This is nonsense. In nearly all cases, we have all the authority we need to do the right thing, we just need to get on with it.

A few examples: CICA provides several exceptions to the requirement for full and open competition that provide flexibility when circumstances dictate. Under the "Unusual and Compelling Urgency" exception we can award contracts and complete the J&A afterwards rather than delay the acquisition when the situation warrants. You can use oral solicitations, and verbal direction to contractors under the "Changes" clause when necessary. I've attached several other examples of techniques for expediting contracting actions. In addition, many elements of the FAR provide for exceptions, waivers, and deviations. Bottom line...when the circumstances warrant, we've got the tools to speed up the acquisition process to support warriors' requirements. It's not the statutes or the FAR that slows us down, it's people's attitudes!

I expect each of you to "lean way forward," pro-actively plan for known, and anticipated, customer needs and put the necessary contract vehicles and supporting documents in place now. You've heard me say it before: Air Force contracting officers need to become a community of innovative, even daring risk takers--especially so, now. We must create solutions that provide our customers with the rapid, agile, combat support needed to help ensure victory.

My points of contact for policy questions are Mr Dave Powell, DSN 425-7062, commercial (703) 588-7062, david.powell@pentagon.af.mil; Maj Scott Calisti, DSN 425-7072, commercial (703) 588-7072, scott.calisti@pentagon.af.mil; and Maj Harold Cunningham, DSN 425-7056, commercial (703) 588-7056, harold.cunningham@pentagon.af.mil.

//SIGNED//

DARRYL A. SCOTT, Brig Gen, USAF
Deputy Assistant Secretary (Contracting)
Assistant Secretary (Acquisition)

Attachment:
Techniques for Rapid, Agile Contracting Support

cc: PEOs/MADs/DACs

Techniques for Rapid, Agile Contracting Support

- **Awarding Contracts**
 - Limiting sources in a source selection
 - FAR Part 6 allows source selections to be limited for various reasons as detailed in 6.302. Limiting competition may aid in the timeliness of award.
 - Synopsis Exemptions
 - FAR 5.202 provides exceptions to issuing synopses of proposed contract actions when this would delay award and injure the Government.
 - CICA Exemption #1--Only One Responsible Source
 - Follow-on sole source supply efforts or highly specialized services are allowed where competition would not recover any duplication of costs or unacceptable delays in fulfilling requirements may occur.
 - CICA Exemption #2--Unusual and Compelling Urgency
 - Completion of Justification and Approval (J&A) for contracts awarded under FAR 6.302-2 may be prepared and approved within a reasonable time after contract award when preparation and approval prior to award would unreasonably delay the acquisition.
 - CICA Exemption #6--National Security
 - The authority at FAR 6.302-6 may be used if disclosure would compromise the National Security.
 - CICA Exemption #7--Public Interest
 - The authority at FAR 6.302-7 may be used when none of the other authorities in 6.302 apply.
 - Use of Sealed Bidding
 - Sealed Bidding techniques may yield a quicker award than a Part 15 source selection when only price is a factor for award.

- Use of Letter Contracts / Oral Solicitation / Oral Awards
 - Awarding letter contracts and other undefinitized contract actions (UCAs) can expedite the start of work (see DFARS Subpart 217.7400).
 - FAR 15.203(f) - Purchases exceeding the simplified acquisition threshold. Oral solicitations may be used “when processing a written solicitation would delay the acquisition of supplies and services to the detriment of the government,” Verbal Awards can also be made.
- Award of IDIQ Orders/Tasks
 - Procedures exist for expediting the award of tasks under emergency conditions (see FAR 16.505(a)(4) and 16.505(b)(2)(i)).
- 8(a) Set Aside Awards
 - Working with the SBA, COs can award these sole source contracts under this program’s rules on an extremely expeditious schedule.

- **Modifying Existing Contracts**
 - Oral Change Orders / Verbal Authorization
 - Contracting officers may provide verbal direction to contractors under the Changes clause and other clauses if needed to expedite the fulfillment of Government requirements.
 - Undefinitized Contractual Actions
 - Contracting officers may direct contractor effort without firm proposals and/or fixed costs/prices if needed.
 - Add Options for Additional Delivery
 - Contracting officers may add CLINs for additional quantities to production contracts using price-based acquisition techniques.
 - Unpriced or NTE options are also an option, if appropriate.
 - Add Options for Accelerated Delivery
 - Contracting officers may add CLINs for accelerated delivery of items currently in production.

- **Other Contracting Actions**
 - Temporary Revisions to Dollar Thresholds
 - Units and Organizations may request temporary revisions to all dollar thresholds. Requests should be submitted to SAF/AQC
 - Clearance Process
 - Established Clearance Review/Approval authorities/thresholds IAW AFFARS 5301.9000 could be temporarily revised. Requests should be coordinated with or made to SAF/AQC.

- **Remember FAR Part 1.102-4(e)!**

“The FAR outlines procurement policies and procedures that are used by members of the Acquisition Team. If a policy or procedure, or a particular strategy or practice, is in the best interest of the Government and is not specifically addressed in the FAR, nor prohibited by law (statute or case law), Executive order or other regulation, Government members of the Team should not assume it is prohibited. Rather, absence of direction should be interpreted as permitting the Team to innovate and use sound business judgment that is otherwise consistent with law and within the limits of their authority. Contracting officers should take the lead in encouraging business process innovations and ensuring that business decisions are sound.”

This list is by no means exhaustive. COs need to be resourceful, innovative, and customer focused in coming up with their own ideas. And, COs need to share these ideas widely. Contracting leaders need to be bold and proactive, and provide “Top Cover” for their COs.

From: Clarke, Emily Ms SAALT
Sent: Wednesday, March 19, 2003 6:08 PM
To: PARC; POLICY CHIEFS/PARC Offices
Cc: Ballard, Tina Ms SAALT; Kukes, Scott D LTC SAALT; Kley, Bill;
Lake, Steve; Linke, Steve; Lovell, Lynn; Pieper, Joseph; Wisniewski,
Sharon
Subject: Expediting Contract Awards

PARCs/Policy Chiefs ~

In our current environment of heightened awareness and threat potential, the contracting community may be called on for extraordinary support. The Army has the finest team of military and civilian contracting professionals to successfully meet the challenges ahead. Our forces at home and deployed throughout the world rely on us to support them, providing the best in unprecedented delivery times and in the most cost effective manner. It is imperative that we employ the best tools available to support them.

To that end, there are numerous contracting avenues that can be used to provide expeditious support of our soldiers, and all contract requirements related to their support should be accorded the highest priority in our offices.

FAR 6.302-2 provides the unusual and compelling urgency authority necessary to limit bid or proposal solicitation in order to timely support anti-terrorism activity and deployment of units, elements of units and selected personnel.

Undefinitized Contractual Actions allow maximum flexibility and timeliness with minimal administrative lead-time to meet time sensitive, critical needs.

A delegation that will permit a raised micro-purchase and simplified acquisition threshold in support of contingency operations is in staffing to the Secretary of the Army and should be available for use very soon.

A more detailed list of contract options to consider for accelerated support is provided in the attachment to this memo. You can be assured that any assistance required from this office will be treated as a priority.

Emily Clarke
Director, Procurement and Industrial Base Policy

>

Expediting Contract Awards

This list is by no means exhaustive. Contracting Officers need to be resourceful, innovative, and customer focused in coming up with their own ideas.

Synopsis Exemptions

FAR 5.202 provides exceptions to issuing synopses of proposed contract actions when this would delay award and injure the Government.

Limiting sources in a source selection

FAR Part 6 allows source selections to be limited for various reasons as detailed in 6.302. Limiting competition may aid in the timeliness of award.

CICA Exception #1--Only One Responsible Source

Follow-on sole source supply efforts or highly specialized services are allowed where competition would not recover any duplication of costs or unacceptable delays in fulfilling requirements may occur.

CICA Exception #2--Unusual and Compelling Urgency

Completion of Justification and Approval (J&A) for contracts awarded under FAR 6.302-2 may be prepared and approved within a reasonable time after contract award when preparation and approval prior to award would result in serious injury to the Government.

CICA Exception #6--National Security

The authority at FAR 6.302-6 may be used if disclosure would compromise the National Security.

CICA Exception #7--Public Interest

The authority at FAR 6.302-7 may be used when none of the other authorities in 6.302 apply.

Use of Sealed Bidding (FAR Part 14)

Sealed Bidding may yield a quicker award than a Part 15, Contracting By Negotiation, source selection when only price is a factor for award.

Acquisition of Commercial Items (FAR Part 12)

Use readily available commercial items to meet requirements.

Simplified Acquisition Procedures (FAR Part 13)

Provides efficiency and speed for low dollar buys.

Use of Letter Contracts / Oral Solicitation / Oral Awards

Awarding letter contracts and other undefinitized contract actions (UCAs) can expedite the start of work (see DFARS Subpart 217.7400).

FAR 15.203(f) - Purchases exceeding the simplified acquisition threshold. Oral solicitations may be used "when processing a written solicitation would delay the acquisition of supplies and services to the detriment of the government," Verbal Awards can also be made.

Individual Deviations (AFARS 5101.403)

Allows PARCs to approve one time deviations to FAR/DFARS/AFARS

Award of IDIQ Orders/Tasks

Procedures exist for expediting the award of tasks under emergency conditions (see FAR 6.505(b)(2)(i)).

8(a) Set Aside Awards (see FAR Subpart 19.8)

Working with the SBA, COs can award these sole source contracts under this program's rules on an extremely expeditious schedule.

Modifying Existing Contracts

Oral Change Orders / Verbal Authorization

Contracting officers may provide verbal direction to contractors under the Changes clause and other clauses if needed to expedite the fulfillment of Government requirements.

Undefinitized Contractual Actions

Contracting officers may direct contractor effort without firm proposals and/or fixed costs/prices if needed.

Add Options for Additional Delivery

Contracting officers may add CLINs for additional quantities to production contracts using price-based acquisition techniques. Unpriced or NTE options are also an option, if appropriate.

Add Options for Accelerated Delivery

Contracting officers may add CLINs for accelerated delivery of items currently in production.

Remember FAR Part 1.102-4(e)

The FAR outlines procurement policies and procedures that are used by members of the contracting community. If a policy or procedure, or a particular strategy or practice is in the best interest of the Government and is not specifically addressed in the FAR, nor prohibited by law (statute or case law), Executive order or other regulation, contracting officers should not assume it is prohibited. Rather, absence of direction should be interpreted as permitting innovation and use of sound business judgment that is otherwise consistent with law and within the limits of their authority. Contracting officers should take the lead in encouraging business process innovations and ensuring that business decisions are sound.



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH, DEVELOPMENT AND ACQUISITION
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

MAR 7 2003

MEMORANDUM FOR DISTRIBUTION

Subj: PROCUREMENTS FOR DEFENSE AGAINST OR RECOVERY FROM
TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL OR
RADIOLOGICAL ATTACK; DELEGATION OF AUTHORITY

On January 24, 2003, Federal Acquisition Circular 2001-12 was issued as an interim rule to implement Sections 852 through 856 and Section 858 of the Homeland Security Act (Public Law 107-296). These sections increase the amount of the micro-purchase threshold and the simplified acquisition threshold and provide streamlined procedures for procurements of supplies or services, as determined by the head of the agency, that are to be used to facilitate defense against or recovery from terrorism or nuclear, biological, chemical or radiological attack.

The agency head's designee for the subject procurements is the Head of the Contracting Activity (HCA). The HCA may redelegate this authority no lower than the Chief of the Contracting Office or to any SES in the Contracting Office.

Please ensure that cognizant contracting personnel are aware of this authority. My point of contact is Mr. Clarence M. Belton. He can be reached by e-mail belton.Clarence@hq.navy.mil or by phone at (703) 602-2807.


M. F. Jaggard
Chief of Staff/Policy
for DASN(ACQ)

Distribution:
Page 2

Subj: PROCUREMENTS FOR DEFENSE AGAINST OR RECOVERY FROM
TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL OR
RADIOLOGICAL ATTACK; DELEGATION OF AUTHORITY

Distribution:

NAVAIRSYSCOM (2.0)
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