



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC

28 NOV 2001

Office Of The Assistant Secretary

ENDURING FREEDOM MEMO EF-01-03

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
Operations ENDURING FREEDOM and NOBLE EAGLE

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 ENDURING FREEDOM is the name associated with the war on terrorism outside the United States. Operation NOBLE EAGLE refers to United States military operations in homeland defense and civil support to federal, state, and local agencies in the United States. Operation ENDURING FREEDOM was officially declared a contingency operation by USD (A&T) memo, Oct 9, 2001. Using the same rationale, Operation NOBLE EAGLE also meets the statutory definition of a contingency operation. However, the "Simplified Acquisition Threshold" for Operation NOBLE EAGLE remains at \$100,000 as it only applies to military operations inside the United States.

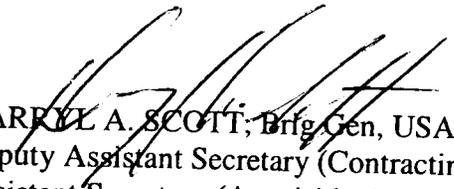
I, therefore, determine to waive, as described below, the limitations in DFARS 217.7404-3, Definitization schedule, and 217.7404-4, Limitations on obligations, for undefinitized contract actions that support Operations ENDURING FREEDOM or NOBLE EAGLE. Additionally, I grant a class deviation to exempt such contract actions from AFFARS 5317.7404-4, Limitations on obligations.

Contracting officers will use the following limitations when supporting Operations ENDURING FREEDOM or NOBLE EAGLE. 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 and AF class deviation only apply to actions that support Operations ENDURING FREEDOM or NOBLE EAGLE. All other undefinitized contract actions must comply with DFARS 217.74 and AFFARS 5317.7404-4.

I am granting this waiver to help support Operations ENDURING FREEDOM and NOBLE EAGLE, 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.



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