



DEFENSE LOGISTICS AGENCY  
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IN REPLY  
REFER TO  
5-33

AUG 16 2001

MEMORANDUM FOR DIRECTOR, DLA SUPPORT SERVICES  
COMMANDERS, DEFENSE SUPPLY CENTERS  
COMMANDER, DEFENSE DISTRIBUTION CENTER  
DIRECTOR, DEFENSE ENERGY SUPPORT CENTER  
ADMINISTRATOR, DEFENSE NATIONAL STOCKPILE CENTER  
COMMANDER, DEFENSE REUTILIZATION AND  
MARKETING SERVICE  
COMMANDER, TELEVISION-AUDIO SUPPORT ACTIVITY

SUBJECT: Relief for Major Theatre Wars/Defined Contingency Support

This memorandum provides pre-positioned authority or deviations for procurement actions awarded in direct support of a major theatre war or contingency action as defined in 10 U.S.C. 101(a)(13). The authority/deviations identified in 1 thru 4 below will become effective upon notification from HQ.

1. As specified in the Federal Acquisition Regulation (FAR) at 15.403-1(c)(4), the requirement to waive obtaining cost or pricing data is delegated to the head of the contracting activity (HCA). This authority is non-delegable. Therefore, for purposes of waiving cost or pricing data requirements during a major theatre war or contingency, the Commanders of those activities for which the Executive Director, Logistics policy and Acquisition Management is the HCA are appointed as HCA authority for the purposes of approving such actions only.

2. A deviation is granted from the requirements of Defense Logistics Acquisition Directive (DLAD) 1.690-3(c) requiring HQ review of contracts to be executed under the authority of FAR 6.302-3 and all letter contract definitizations that exceed \$500,000. A summary of actions processed without HQ DLA review in accordance with this waiver shall be submitted to J-337 on a monthly basis. The list shall be submitted within five days of the end of the preceding month and include as a minimum the contract number, date of award, total dollar value, summary of items procured, and contract type.

3. A deviation is granted from the requirements of DLAD 7.104-90 to submit acquisition plans to the Acquisition Planning Executive Council for review and approval. This includes the requirement to provide advance notification for potential APEC review in accordance with paragraph (a) of that subsection. However, notification should nevertheless be provided within a reasonable time after award.

4. A deviation is granted from the requirements of DLAD 16.203-3(93) requiring J-337 review and approval of Economic Price Adjustment (EPA) clauses that are not existing FAR or DFARS clauses, or local clauses not previously approved by DLA HQ. However, a copy of such clauses shall be forwarded to J-337 at the time of solicitation issuance. Additionally, negotiated revisions to these clauses shall also be forwarded to J-337. Local EPA clauses shall be constructed in accordance with FAR 16.203 and DFARS 216.203 guidance and shall be coordinated with local contract policy and legal offices,



Also, please note as a reminder that the FAR, DFARS, and DLAD allow additional flexibility that may be applicable to expediting awards during this contingency. Some of the pertinent areas include:

a. Unusual and compelling urgency - Issue Priority Group I items and similarly high priority items may qualify under FAR 6.302-2, precluding the need for full and open competition (see DLAD 6.302-2(b)(90)).

b. Waiver of Synopsis - Waiver of Synopsis in accordance with FAR 5.202(a)(2) may be justified for IPG I and similarly high priority items.

c. Streamlined/Simplified Acquisition Methods - A number of procurement methods and instruments allow for expedited procurements. These include use of the Government-wide Purchase Card for micropurchases and as an ordering and payment instrument against Indefinite Delivery Order Contracts up to \$100K (see FAR 13.301 and DLAI 4105.3). Also, the purchase card may be utilized for "open market" purchases up to \$25,000 if the purchase is made outside the U.S. for use outside the U.S. (see DFARS 213.301 for specific conditions). Additionally, consider oral quotations up to \$25K and possibly up to \$100K if using a synopsis exception in accordance with FAR 5.202 (see FAR 13.106-1(c)). As a reminder, the SAT threshold when purchasing outside the United States in support of a contingency operation (as defined in 10 U.S.C. 101(a)(13)) or a humanitarian or peacekeeping operation (as defined in 10 U.S.C. 2302(8) and 41 U.S.C. 259(d)), is \$200,000.

d. Federal Prisons Industry (FPI) - FPI clearances are not required when public exigency requires immediate delivery or performance (see FAR 8.606).

e. Javits-Wagner-O'Day (JWOD) Program - The central nonprofit agency should be asked to promptly grant purchase exceptions when the JWOD participating nonprofit agencies can not provide the supplies or services within the time required, and commercial sources can provide them significantly sooner in the quantities required (see FAR 8.706).

f. Test Program for Certain Commercial Items - Use of simplified acquisition procedures are authorized for the acquisition of supplies and services in amounts exceeding the simplified acquisition threshold, but not exceeding \$5,000,000, including options (see FAR 13.5)

g. Surplus - Use of former Government surplus material may not always be a viable option, depending on the ability of the Government to determine that the material meets customer needs in accordance with the procedures in DLAD Subpart 11.3. However, surplus material is readily available, while material from Original Equipment Manufacturers may have long lead times. It may be possible to get material to the customer significantly sooner by acquiring surplus than by acquiring new material, even considering the time that may be required to obtain approval from an Engineering Support Activity. Therefore, use of surplus material, if it is available and meets the customer's needs, should be considered as a potentially valuable workaround in a contingency.

Additional measures to expedite procurements are encouraged. Examples of such measures include:

a. Coordination of priority requirements with Defense Contract Management Agency to closely monitor contractor performance and assist in production schedule expediting.

b. Requesting Engineering Support Activities to provide expedited resolution of technical data issues.

If you have any questions regarding items identified in this memorandum or related matters, please contact my staff. A complete list of assigned analysts and their corresponding areas of responsibility can be found at <http://www.dlsc.dla.mil/Procurement/roster.asp>.



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Senior Procurement Executive