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Office of The Principal Assistant Responsible For Contracting (OPARC)

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NEWS FROM ARMY ACQUISITION AND CONTRACTING POLICY

Army Support to Iraqi Reconstruction

The DA Procurement people from the Office of the Deputy Assistant Secretary for Policy and Procurement (ODASA-P&P), and from the Army Contracting Agency (ACA), are working an urgent requirement to set up a new contracting office in Iraq as soon as possible. This has been a priority to provide contracting support to Ambassador Bremer's Office of the Coalition Provisional Authority (OCPA) which replaces the Office of Reconstruction and Humanitarian Assistance. COL Tony Bell from ACA Southern Region will serve as the HCA. He will be directly attached to Ambassador Bremer's staff and have a PARC and contracting staff to support multiple regions in Iraq. Army will set up a rear support office in the Washington area. They may request assistance from the contracting community to help facilitate this effort. The points of contact at ODASA(PP) are Emily Clarke and Ken Tedeschi at ken.tedeschi@saalt.army.mil.

Contractors Accompanying the Force AFARS Clause and Guidebook

The proposed AFARS clause on Contractors Accompanying the Force (also called Contractors on the Battlefield) is nearing approval at the DoD level. Upon approval for interim use based on urgent need, it will be published in the Federal Register. A draft Guidebook on this topic is posted on the DASA(P&P) web site's "What's New" page at <http://dasapp.saalt.army.mil/Whatsnew.htm>. Comments are invited to Sharon Wisniewski at sharon.wisniewski@saalt.army.mil

Defense Task Force - DFARS Transformation

The results of Phase 2 and the implementation strategy for Phase 3 of the initiative were briefed to the Service Acquisition Executives and General Counsels on May 23, 2003. Phase 3 efforts to prioritize proposals, develop draft language, establish coordinated positions, obtain approvals, and publish proposed rules are underway. There could be a significant increase in cases issued by the DAR Council in the not too distant future. Bill Kley is the ODASA(P&P) representative.

Congratulations to Ms Tina Ballard

Tina Ballard was recently appointed as the DASA (P&P). She came to HQDA from DCMA and has many years of contract experience. You may see more information at https://webportal.saalt.army.mil/subpage.cfm?page_no=3

New DoD 5000 Series Acquisition Policies

On May 12, 2003, Deputy Secretary of Defense Paul Wolfowitz signed new Acquisition Policies consistent with Secretary Rumsfeld's goal of transforming the Defense Department's business practices as well as its warfighting capabilities.

These policies follow Deputy Secretary Wolfowitz' earlier direction to create an acquisition policy environment that fosters efficiency, flexibility, creativity and innovation. The new policies are captured in DoD Directive 5000.1, "The Defense Acquisition System," which describes overarching acquisition policy, and DoD Instruction 5000.2, "The Operation of the Defense Acquisition System", which establishes the framework for translating mission needs and requirements into stable, affordable and well managed programs.

The policies achieve Secretary Wolfowitz' objectives by giving acquisition decision makers much greater authority to tailor program strategies to fit the needs of their program; by placing greater

emphasis on evolutionary acquisition as the preferred strategy for rapidly acquiring advanced warfighting capability; and by giving Program Managers the flexibility to be creative and efficient in the way they apply policy to their programs. The policies are designed to release the power of innovation in every member of the acquisition, technology and logistics workforce.

The new policies [both the Directive and the Instruction] are also posted at <http://www.acq.osd.mil/dpap>. The DoD POC is Mr. Skip Hawthorne at (703) 692-9556 or via e-mail at: skip.hawthorne@osd.mil.

Designation of Lead Component for the Standard Procurement System (SPS)

On April 25, 2003, the Principal Deputy Under Secretary of Defense (Acquisition, Technology and Logistics), Mr. Michael W. Wynne and Mr. John P. Stenbit, Assistant Secretary of Defense (Command, Control, Communications, and Intelligence), signed a memorandum redesignating the lead acquisition component for the SPS program to the Army. It is anticipated that the Army will assign SPS Program to their PEO for Enterprise Information Systems (PEO EIS). This change will be effective approximately 120 days from the date of the memorandum.

Under DCMA's leadership, SPS was deployed to over 22,000 users, with several thousand more scheduled by the end of this fiscal year. The Army and PEO EIS will bring additional

acquisition program experience to the SPS program.

Expediting Contract Awards

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 more detailed list of contract methods to consider for accelerated support is provided below.

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.