OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

ACQUISITION,
TECHNOLOGY
AND LOGISTICS

MAY 2 0 2004

ACQ FYI 04-018

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