



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](mailto:david.powell@pentagon.af.mil); Maj Scott Calisti, DSN 425-7072, commercial (703) 588-7072, [scott.calisti@pentagon.af.mil](mailto:scott.calisti@pentagon.af.mil); and Maj Harold Cunningham, DSN 425-7056, commercial (703) 588-7056, [harold.cunningham@pentagon.af.mil](mailto: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 LAW 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.