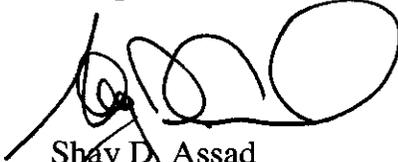


**Amendment to Determination dated November 23, 2009, in Accordance with Section 801 of the National Defense Authorization Act for Fiscal Year 2008 (NDAA 2008) by the Under Secretary of Defense for Acquisition, Technology, and Logistics [USD(AT&L)] as Delegated to the Director, Defense Procurement and Acquisition Policy, to Continue to Procure Property and Services Through the Department of Energy (DoE) in support of Department of Defense (DoD) components.**

- Public Law 110-181, section 801, “Internal Controls for Procurements on Behalf of the Department of Defense by Certain Non-Defense Agencies,” at subsection (b)(1) allows an acquisition official of the Department of Defense to place an order, make a purchase, or otherwise procure property or services for the Department of Defense in excess of the simplified acquisition threshold (typically \$100,000) through a non-defense agency only if the head of the non-defense agency has certified that the agency will comply with defense procurement requirements for the fiscal year.
- The Department of Defense Inspector General (DoDIG) recently provided me an interim verbal briefing on their findings of their audit conducted at multiple DoE sites. Preliminary findings provided by the DoDIG do not warrant limiting DoD’s use of DoE support. Based on the requests of the components the Department needs to continue to procure supplies and services through DoE. Therefore, pending the final written audit recommendation from the DoD Inspector General, it is my determination that it is necessary and in the interest of the DoD to continue to procure property and services through the DoE. I authorize all DoD Components to utilize the assisted acquisition services and or direct support of the DoE for the procurement of essential mission related requirements only.
- This determination covers DoD requirements in fiscal year 2010 to be placed through September 30, 2010, up to a total amount of \$2.2B. Each component utilizing the assisted acquisition services or direct support of DoE is directed to maintain sufficient tracking records of amounts provided to DoE and provide them on a monthly basis to the Deputy Director, Defense Procurement and Acquisition Policy, Contract Policy and International Contracting. In addition, each component is required to ensure that all affected Department of Defense contract files are documented and available for review or audit by the Department of Defense Inspector General.

 3/30/2010  
Shay D. Assad  
Director, Defense Procurement  
and Acquisition Policy