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ACQUISITION,
TECHNOLOGY
AND LOGISTICS

AUG 0 4 2008

In reply refer to:
DARS Tracking Number 2008-O0005

MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORATION COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY (POLICY AND PROCUREMENT), ASA (ALT)
DEPUTY ASSISTANT SECRETART OF THE NAVY (ACQUISITION & LOGISTICS MANAGEMENT), ASN (RDA)
DEPUTY ASSISTANT SECRETART OF THE AIR FORCE (CONTRACTING), SAF/AQC
DIRECTORS, DEFENSE AGENCIES
DIRECTORS, DOD FIELD ACTIVITIES

SUBJECT: Class Deviation from DFARS 237.102-71, Limitation on Service Contracts for Military Flight Simulators.

All Military Departments and Defense Agencies are authorized to deviate from certain requirements of DFARS 237.102-71, Limitation on Service Contracts for Military Flight Simulators. DFARS 237.102-71(b) prohibits DoD from entering into a service contract to acquire a military flight simulator unless a waiver is signed by the Secretary of Defense. In accordance with Section 883 of the 2008 National Defense Authorization Act (Pub. L. 110-181), this class deviation revises DFARS 237.102-71(b) as follows:

A. The prohibition on a military department entering a service contract to acquire a military flight simulator, or to any renewal or extension of, or follow-on contract to such a contract, is removed if:

(1) The contract was in effect as of October 17, 2006;

(2) The number of flight simulators to be acquired under the contract (or renewal, extension, or follow-on) will not result in the total number of flight simulators acquired by the military department concerned through service contracts to exceed

the total number of flight simulators to be acquired under all service contracts of such department for such simulators in effect as of October 17, 2006; and

(3) In the case of a renewal or extension of, or follow-on contract to, the contract, the Secretary of the military department concerned provides to the congressional defense committees a written notice of the decision to exercise an option to renew or extend the contract, or to issue a solicitation for bids or proposals using competitive procedures for a follow-on contract, and an economic analysis as described in subsection (c) supporting the decision, at least 30 days before carrying out such decision.

B. For contracts awarded after October 17, 2006, the grounds for a waiver determination by the Secretary of Defense under 237.102-71(b)(1) are revised to state the Secretary of Defense may waive this prohibition with respect to a contract, if the Secretary determines that a waiver is "in the national interest" in lieu of a determination that the waiver is "necessary for national security purposes."

Paragraph A of this Class Deviation will remain in effect until October 17, 2011, or until otherwise rescinded. Paragraph B of this Class Deviation will remain in effect until implemented in the DFARS or otherwise rescinded. If you have any questions or need additional information, please contact Mr. Mark Gomersall at 703-602-0302, or by e-mail: mark.gomersall@osd.mil.

Shay D. Assad
Director, Defense Procurement,
Acquisition Policy, and
Strategic Sourcing