



ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

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WASHINGTON, DC 20301-3000

JUN 16 2011

MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
COMMANDER, UNITED STATES TRANSPORTATION  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
DEPUTY ASSISTANT SECRETARY OF THE ARMY  
(PROCUREMENT)  
DEPUTY ASSISTANT SECRETARY OF THE NAVY  
(ACQUISITION AND LOGISTICS MANAGEMENT)  
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE  
(CONTRACTING)  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Section 811 of the National Defense Authorization Act for Fiscal Year 2010

The Federal Acquisition Regulation (FAR) was recently amended with the March 16, 2011 publication of the interim rule to implement Section 811 of the National Defense Authorization Act for Fiscal Year 2010. Public comments to assist in finalizing the rule were received on May 16, 2011. Section 811 requires that a written Justification and Approval (J&A) be approved prior to the award of sole-source contracts over \$20 million to an 8(a) contractor. The \$20 million requirement for the J&A is not a ceiling or a cap. Though FAR 6.303-2 has 12 elements that are to be responded to when drafting the contents of a J&A, the interim rule for 8(a) contracts only requires five elements to be completed by the contracting officer.

Program offices and contracting officers are encouraged to work closely with their respective small business specialists to identify 8(a) firms to include Native Enterprises (Alaska Native Corporations, Tribal and Native Hawaiian firms) that could provide needed services or supplies. The Department of Defense is committed to providing contracting opportunities to all small businesses, including 8(a) entities. The implementation of this interim rule will help strengthen our small business accomplishments.

The DPAP staff point of contact for small business procurement policy is Ms. Cassandra R. Freeman, 703.693.7062 or [cassandra.freeman@osd.mil](mailto:cassandra.freeman@osd.mil).

  
Richard Ginman  
Director, Defense Procurement  
and Acquisition Policy

cc:  
Director, Office of Small Business Programs