



ACQUISITION
AND SUSTAINMENT

OFFICE OF THE UNDER SECRETARY OF DEFENSE
3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

In reply refer to
DARS Tracking Number: 2024-O0011

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER
COMMAND (ATTN: ACQUISITION EXECUTIVE)
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
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Class Deviation—Special Acquisition Authority for Rapid Contracting for
Combatant Commanders

Effective immediately and when approved in accordance with this class deviation, contracting officers may use the following temporary special acquisition authorities provided by section 843 of the National Defense Authorization Act of Fiscal Year 2024 (Pub. L. 118-31) for covered contracts issued in a rapid contracting response to covered operations.

(A) Definitions. As used in this class deviation—

- “Covered contract” means a contract action or a purchase and/or payment made using the Governmentwide commercial purchase card, for an acquisition approved by the head of the contracting activity (HCA) that directly supports covered operations.
- “Covered operation” means a time sensitive or unplanned situation during—
 - (1) A humanitarian or peacekeeping operation; or
 - (2) Directed operations below the threshold of traditional armed conflict for the purposes of protecting the national security interests of the United States.
- “Combatant command” means any of the following:
 - (1) United States Africa Command.

Special Acquisition Authority for Rapid Contracting for Combatant Commanders

- (2) United States Central Command.
- (3) United States Cyber Command.
- (4) United States European Command.
- (5) United States Indo-Pacific Command.
- (6) United States Northern Command.
- (7) United States Southern Command.
- (8) United States Space Command.
- (9) United States Special Operations Command.
- (10) United States Strategic Command.
- (11) United States Transportation Command.

- “Combatant commander” means the individual who has the assignment of powers and duties at 10 U.S.C. 164.
- “Senior contracting official” is defined in 10 U.S.C. 1737.

(B) Special Acquisition Authority.

(1) Notwithstanding FAR part 18 and DFARS part 218, and the definitions of micro-purchase threshold and simplified acquisition threshold at FAR 2.101, contracting officers may apply the special acquisition authorities to covered contracts at or below the following thresholds:

(a) The micro-purchase threshold:

(i) \$20,000 in the case of any contract to be awarded and performed, or purchase to be made, in the United States.

(ii) \$35,000 in the case of any contract to be awarded and performed, or purchase to be made, outside the United States.

(b) The simplified acquisition threshold:

(i) \$800,000 for any contract to be awarded and performed, or purchase to be made, in the United States.

(ii) \$1.5 million for any contract to be awarded and performed, or purchase to be made, outside the United States.

(c) The simplified procedures at FAR subpart 13.5 are authorized for purchases of products and services for amounts greater than the simplified acquisition threshold but not greater than \$15 million.

(2) Contracting officers may treat acquisitions of supplies or services made pursuant to this deviation as acquisitions of commercial products or commercial services.

Special Acquisition Authority for Rapid Contracting for Combatant Commanders

(C) Procedures.

(1) Combatant commanders will submit a written request and determination to the HCA that a covered operation requires a rapid response. The request and determination will include the following:

- (i) Identification of the covered operation(s).
- (ii) Identification of the HCA(s).
- (iii) The authority or authorities being requested.
- (iv) The rationale for the use of the authority or authorities.
- (v) An attestation that funds are available for each contract action.

(2) The HCA, not delegable below the senior contracting official, shall review and approve or disapprove the Combatant Commander's request and determination. If approved, the HCA shall provide the determination to the contracting officer and the applicable Governmentwide commercial purchase cardholders. If disapproved, the HCA shall notify the combatant commander of such disapproval.

(3) If the Combatant Commander's request and determination are approved by the HCA, the contracting officer shall send a copy of the request and approved determination to Defense Pricing and Contracting (DPC) via email at osd.pentagon.ousd-a-s.mbx.dpc-cp@mail.mil within 7 days of receipt of the determination.

(4) The contracting officer shall include the request and approved determination in the contract file.

(5) Contracting officers shall enter "2024-O0011" in the "Description of Requirements" data element along with the actual description of what is being procured and the most appropriate value in the "Emergency Acquisition" data element in the contract action report for contracts awarded pursuant to this class deviation.

(6) Combatant commanders will notify contracting officers immediately upon the conclusion of a covered operation. Upon receipt of such notification, the contracting officer shall notify DPC via email at osd.pentagon.ousd-a-s.mbx.dpc-cp@mail.mil that the covered operation has ended.

Special Acquisition Authority for Rapid Contracting for Combatant Commanders

This class deviation implements section 843 of the National Defense Authorization Act of Fiscal Year 2024 (Pub. L. 118-31) and remains in effect until September 30, 2028, unless otherwise rescinded. My point of contact is Col Adam Coyne, DPC/CP, who may be reached at adam.v.coyne.mil@mail.mil.

John M. Tenaglia
Principal Director,
Defense Pricing and Contracting