



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

THE UNDER SECRETARY OF DEFENSE

3010 DEFENSE PENTAGON
WASHINGTON, DC 20301-3010

MAR 29 2010

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Acquisition Actions in Support of Joint Urgent Operational Needs (JUONs)

As the Department focuses on winning the current fight, I want to ensure that your acquisition professionals are using all available authorities to rapidly conduct the procurement actions to satisfy our Warfighters' urgent operational needs.

JUONs – identified by the Commander, U.S. Central Command, and validated by the Joint Staff as being directly associated with conducting operations for OEF or OIF, represent the acquisition community's highest priority. DoD Components shall use all available tools and authorities to expediently develop, procure, field, and sustain JUON solutions.

A few examples of these available authorities include:

- The Competition in Contracting Act, which provides several exceptions to the requirements for full and open competition that provide flexibility.
- The “unusual and compelling urgency” exception, which allows contracts to be awarded prior to completing the justification and approval documentation.
- Oral presentations, which may substitute for or augment written proposals and remain a useful tool to streamline the source selection process. The details of the oral presentations must be documented.
- The “changes” clause, which allows contracts to be modified to accelerate delivery of items currently in production or to add requirements for additional delivery quantities.

If there are still cases where traditional authorities are insufficient to meet the required timelines, DoD Components may request Rapid Acquisition Authority (details attached). My point of contact is the Director, Joint Rapid Acquisition Cell, at JRAC@osd.smil.mil or JRAC@osd.mil or 703-692-2818.

Ashton B. Carter

Attachment:
As stated

cc:

Secretary of Defense

Deputy Secretary of Defense

Chairman of the Joint Chiefs of Staff

Under Secretaries of Defense

Assistant Secretaries of Defense

General Counsel of the Department of Defense

Director, Operational Test and Evaluation

Directors of the Defense Agencies

Directors of the DoD Field Activities

ATTACHMENT

Rapid Acquisition Authority (RAA)

1. The DoD Components shall use all available authority expeditiously to fund, develop, procure, field, and sustain Urgent Operational Needs (UONs) and JUON solutions. In cases where traditional acquisition authority does not exist to enable rapid response to a UON or JUON, DoD Components are to request RAA as outlined in this attachment.
2. Requests for a Secretary of Defense determination to use RAA shall be submitted to the USD(AT&L) through the JRAC Director.
3. The JRAC Director is responsible for receiving RAA requests, recommending the use of RAA, and tracking progress on fulfillment of the urgent combat capability deficiency.
4. In accordance with section 806(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, Pub Law No. 107-314, as amended (10 U.S.C. 2302 note). "Rapid Acquisition and Deployment Procedures," pertaining to RAA, the Secretary of Defense:
 - a. May make a written determination (without delegation) identifying equipment as urgently needed to eliminate a combat capability deficiency that has resulted in combat fatalities.
 - b. May designate, upon determination of urgent need, a senior official of the Department of Defense to ensure that the needed equipment is acquired and deployed as quickly as possible, with a goal of awarding a contract for the acquisition of the equipment within 15 days.
 - c. May authorize the designated senior official to waive any provision of law, policy, directive, or regulation that the official determines in writing would unnecessarily impede the rapid acquisition and deployment of the needed equipment. Excepted are the requirements of section 806 and its implementing regulations, and any provision of law that imposes civil or criminal penalties. This waiver authority is also limited to laws, policy, directives, and regulations addressing:
 - (1) The establishment of the requirement for the equipment;
 - (2) The research, development, test, and evaluation of the equipment; or
 - (3) The solicitation and selection of sources, and the award of the contract, for procurement of the equipment.

6. In a case in which the needed equipment cannot be acquired without an extensive delay, the senior official shall require that an interim solution be implemented and deployed using the procedures developed under RAA authority to minimize the combat capability deficiency and combat fatalities.

7. RAA shall not be used to acquire equipment in an amount aggregating more than \$100,000,000 during any fiscal year. For acquisitions of equipment, during the fiscal year in which the Secretary of Defense makes the RAA determination, any funds available to the Department of Defense for that fiscal year may be used.

8. The USD(AT&L) is responsible for ensuring the requisite notification is made to the congressional defense committees (i.e., the Committees on Armed Services and Appropriations of the Senate and the House of Representatives) within 15 days after each determination. The notification must identify:

- a. The equipment to be acquired.
- b. The amount anticipated to be expended for the acquisition.
- c. The source of funds for the acquisition.

9. Any RAA capability acquisition must transition to the normal acquisition system not later than 2 years after the date on which the Secretary of Defense makes the written RAA determination.