



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH, DEVELOPMENT AND ACQUISITION
1000 NAVY PENTAGON
WASHINGTON, DC 20350-1000

JUL 29 2008

MEMORANDUM FOR DISTRIBUTION

Subj: NAVY/MARINE CORPS PLAN FOR RESTRICTING GOVERNMENT-
UNIQUE CONTRACT CLAUSES ON COMMERCIAL CONTRACTS

Ref: (a) DPAPSS memorandum of March 17, 2008

Encl: (1) DASN(A&LM) memorandum of July 11, 2008

Enclosure (1) is our response to reference (a) and is forwarded for continuing action, as appropriate. It contains the survey results of Navy/Marine Corps contracting activities' use of government-unique clauses in commercial item acquisitions and a plan for restricting use of government-unique clauses in our commercial item contracts. The plan was developed in collaboration with subject matter experts from your activities.

Preliminary survey results reveal inconsistency in use of commercial item acquisition clauses, a need for refresher training for our contracting workforce on commercial item acquisition policies and procedures, and a need to effect minor revisions to our Navy/Marine Corps Acquisition Regulation Supplement. The plan identifies the actions that we will initiate to achieve our target goals/objectives to comply with DoD policy on use of government-unique clauses in commercial item contracts.

Over the next several months, this office will work with your subject matter experts to initiate actions described in the plan. In the meantime, please share with your contract specialists the survey results for your activity and the plan we will implement to comply with DoD policy. Remind them that FAR 12.301(a) states "In accordance with Section 8002 of Public Law 103-355 (41 U.S.C. 264, note), contracts for the acquisition of commercial items shall, to the maximum extent practicable, include only those clauses— (1) Required to implement provisions of law or executive orders applicable to the acquisition of commercial items; or (2) Determined to be consistent with customary commercial practice." Encourage them to review FAR/DFARS Subparts 12.3 and 212.3, which list solicitation provisions and contract clauses that apply to commercial item acquisitions and contain instructions on use of other provisions or clauses.

My point of contact for this memorandum is Ms. Evelyn Ortiz at (703) 614-9640 or email evelyn.ortiz@navy.mil.


M. F. Jaggard
Chief of Staff/Policy
for DASN (A&LM)

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