



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

JUN 27 2011

MEMORANDUM FOR DISTRIBUTION

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

The attached Director, Defense Procurement and Acquisition Policy memorandum of June 16, 2011 is forwarded for your information and action, as appropriate. An interim rule published on March 16, 2011 amended the Federal Acquisition Regulation to implement Section 811 of the National Defense Authorization Act for Fiscal Year 2010. Section 811 requires that a written Justification and Approval be approved prior to sole source 8(a) awards over \$20 million. Further details are provided within the memorandum.

Please encourage your program offices and contracting officers to work with their respective small business specialists to identify 8(a) firms that could provide needed services or supplies, to strengthen DoD's small business accomplishments.

My point of contact is Gabrielle Trickett, gabrielle.trickett@navy.mil,
703-614-9641.



Allie Coetzee

CAPT, SC, USN

Executive Director

DASN (Acquisition & Procurement)

Attachment:
As stated

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Fiscal Year 2010

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JUN 16 2011

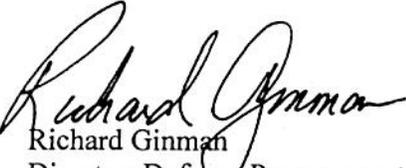
MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
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DIRECTORS OF THE DEFENSE AGENCIES
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.


Richard Ginman
Director, Defense Procurement
and Acquisition Policy

cc:
Director, Office of Small Business Programs