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Description of document: Air Force (USAF) Undefined Contract Actions (UCAs) and Waivers - A Report Submitted to Congress, 2009

Request date: 20-July-2010

Released date: 17-September-2010

Posted date: 16-March-2015

Note: Undefined Contracts are contracts issued without defined obligations as to term, performance or price

Source of document: Air Force Office of Scientific Research  
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DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

17 September 2010

HAF/IMIO (FOIA)  
1000 Air Force Pentagon  
Washington DC 20330-1000

This is in response to your 20 July 2010, Freedom of Information Act request for "a copy of records pertaining to CRR 111-230-190, Undefined Contract Actions, Letter Attachment. This was a document sent by USAF to Congress."

Portions of records are exempt from mandatory disclosure and are being withheld in order to better protect DoD Information Systems from viruses and other malicious attacks. The authority for this exemption may be found in United States Code, Title 5, Section 552 high (b)(2). The notation "b2" has been inserted for portions withheld using this exemption. Releasable portions are attached.

Additionally, portions of records are exempt from mandatory disclosure and are being withheld because they contain personal data, which if released to the public would result in a clearly unwarranted invasion of personal privacy. The authority for this exemption may be found in United States Code, Title 5, Section 552(b)(6). The notation "b6" has been inserted for portions withheld using this exemption. Releasable portions are attached.

The denial authority in this instance is Dr. Jamie M. Morin, Assistant Secretary of the Air Force (Financial Management and Comptroller).

If you decide to appeal our partial denial decision, write to the Secretary of the Air Force within 60 days from the date of this letter. If no appeal is received, or if the appeal is postmarked after the conclusion of this 60-day period, the appeal may be considered closed. Include your reasons for reconsideration along with a copy of this letter. Mail to:

Secretary of the Air Force  
Thru: HAF/IMIO (FOIA)  
1000 Air Force Pentagon  
Washington DC 20330-1000

Department of Defense Regulations 5400.7 indicated fees be assessed for processing this request; however, the fees are waived in this instance.

Sincerely,

MACIAS.DELLA.  
V.1231414181  
DELLA MACIAS  
Freedom of Information Act Disclosure  
Officer

Digitally signed by  
MACIAS.DELLA.V.1231414181  
DN: c=US, o=U.S. Government, ou=DoD,  
ou=PKI, ou=USAF,  
cn=MACIAS.DELLA.V.1231414181  
Date: 2010.09.17 06:45:49 -0400

Attachment:  
Releasable Documents

FOIA 2010-006435-F



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

JUL 23 2009

OFFICE OF THE ASSISTANT SECRETARY

Policy Memo 09-C-01

MEMORANDUM FOR ALMAJCOM/FOA/DRU (CONTRACTING)

FROM: SAF/AQC  
1060 Air Force Pentagon  
Washington, DC 20330-1060

SUBJECT: Undefined Contract Action Waivers Pursuant to DFARS 217.7404-5

Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 217.74, Undefined Contract Actions (UCAs), implements 10 U.S.C. 2326 by imposing specific limitations on UCA obligations and definitization schedules. The Subpart also provides that agencies may waive these limitations upon determining that a waiver is necessary to support a "contingency operation or humanitarian or peacekeeping operation." Consistent with this requirement, SAF/AQC previously issued blanket waivers of these limitations as applied to Operations Enduring Freedom and Iraqi Freedom.

Effective immediately, I am rescinding the waivers to the limitations described in DFARS 217.74 that were previously granted under Enduring Freedom Memo EF-01-03, dated November 28, 2001, and Contract Policy Memo 03-C-13, dated September 26, 2003. Therefore, the authority to grant new waivers to the limitations set out in DFARS 217.7402-2, 217.7402-3, and 217.7402-4 pursuant to DFARS 217.7404-5 is now wholly retained by the Deputy Assistant Secretary (Contracting) or Associate Deputy Assistant Secretary (Contracting). Requests for waivers of these limitations shall be submitted to SAF/AQCK with appropriate justification for consideration.

If you have any questions, please contact (b) (6) SAF/AQCP, at  
(b) (6) or e-mail (b) (2) (b) (6)

ROGER S. CORRELL  
Deputy Assistant Secretary (Contracting)  
Assistant Secretary (Acquisition)

Attachments:

1. Memo EF-01-03 dtd Nov 28, 2001
2. Contract Policy Memo 03-C-13 dtd Sep 26, 2003



DEPARTMENT OF THE AIR FORCE  
WASHINGTON DC

28 NOV 2001

Office Of The Assistant Secretary

ENDURING FREEDOM MEMO EF-01-03

MEMORANDUM FOR ALMAJCOM/FOA/DRU (CONTRACTING)

FROM: SAF/AQC  
1060 Air Force Pentagon  
Washington, DC 20330-1060

SUBJECT: Undefined Contract Actions and Contingency Operations in Support of  
Operations ENDURING FREEDOM and NOBLE EAGLE

The Defense Federal Acquisition Regulation Supplement (DFARS) 217.74, Undefined Contract Actions (UCA), implements 10 U.S.C. 2326 that imposes limitations on obligations and definitization schedule. It also provides for waiving these limitations if it is determined that a waiver is necessary to support "(1) A contingency operation as defined in 10 U.S.C. 101(a)(13)."

Operation ENDURING FREEDOM is the name associated with the war on terrorism outside the United States. Operation NOBLE EAGLE refers to United States military operations in homeland defense and civil support to federal, state, and local agencies in the United States. Operation ENDURING FREEDOM was officially declared a contingency operation by USD (A&T) memo, Oct 9, 2001. Using the same rationale, Operation NOBLE EAGLE also meets the statutory definition of a contingency operation. However, the "Simplified Acquisition Threshold" for Operation NOBLE EAGLE remains at \$100,000 as it only applies to military operations inside the United States.

I, therefore, determine to waive, as described below, the limitations in DFARS 217.7404-3, Definitization schedule, and 217.7404-4, Limitations on obligations, for undefinitized contract actions that support Operations ENDURING FREEDOM or NOBLE EAGLE. Additionally, I grant a class deviation to exempt such contract actions from AFFARS 5317.7404-4, Limitations on obligations.


Contracting officers will use the following limitations when supporting Operations ENDURING FREEDOM or NOBLE EAGLE. In DFARS 217.7404-4, replace "50 percent" with "75 percent", and "75 percent" with "90 percent." Also, under exceptional circumstances the UCA approval official may permit obligation up to 100 percent. In addition, the UCA approving official may extend the definitization schedule requirements in 217.7404-3. Contracting officers must reference this memo when preparing approval documentation.

This DFARS waiver and AF class deviation only apply to actions that support Operations ENDURING FREEDOM or NOBLE EAGLE. All other undefinitized contract actions must comply with DFARS 217.74 and AFFARS 5317.7404-4.

Attachment 1

I am granting this waiver to help support Operations ENDURING FREEDOM and NOBLE EAGLE, but everyone needs to remember that UCA's are not our normal means of conducting business and we should only use them when the negotiation of a definitive contract action is not feasible to meet our requirements.

If you have any questions, please contact (b) (6) SAF/AQCP, at (b) (6)  
(b) (6) or e-mail (b) (2) (b) (6)

  
DARRELL A. SCOTT, Brig Gen, USAF  
Deputy Assistant Secretary (Contracting)  
Assistant Secretary (Acquisition)



DEPARTMENT OF THE AIR FORCE  
WASHINGTON DC

Office Of The Assistant Secretary

26 SEP 2003

Contract Policy Memo 03-C-13

MEMORANDUM FOR ALMAJCOM/FOA/DRU (CONTRACTING)

FROM: SAF/AQC  
1060 Air Force Pentagon  
Washington, DC 20330-1060

SUBJECT: Undefined Contract Actions and Contingency Operations in Support of  
Operation Iraqi Freedom

The Defense Federal Acquisition Regulation Supplement (DFARS) 217.74, Undefined Contract Actions (UCA), implements 10 U.S.C. 2326 that imposes limitations on obligations and definitization schedule. It also provides for waiving these limitations if it is determined that a waiver is necessary to support "(1) A contingency operation as defined in 10 U.S.C. 101(a)(13)."

Operation Iraqi Freedom is the name associated with the war in Iraq. SAF/AQC memo 03-C-06, dated 21 March 2003, determined that Operation Iraqi Freedom is a contingency operation.

I, therefore, determine to waive, as described below, the limitations in DFARS 217.7404-3, Definitization schedule, and 217.7404-4, Limitations on obligations, for undefined contract actions that support Operation Iraqi Freedom.


Contracting officers will use the following limitations when supporting Operation Iraqi Freedom. In DFARS 217.7404-4, replace "50 percent" with "75 percent", and "75 percent" with "90 percent." Also, under exceptional circumstances the UCA approval official may permit obligation up to 100 percent. In addition, the UCA approving official may extend the definitization schedule requirements in 217.7404-3. Contracting officers must reference this memo when preparing approval documentation.

This DFARS waiver applies to actions that support Operation Iraqi Freedom. The DFARS waiver in SAF/AQC memo EF-01-03, dated 28 Nov 01, is still valid for Operations Enduring Freedom and Noble Eagle. All other undefined contract actions must comply with DFARS 217.74.

I am granting this waiver to help support Operation Iraqi Freedom, but everyone needs to remember that UCA's are not our normal means of conducting business and we should only use them when the negotiation of a definitive contract action is not feasible to meet our requirements.

Attachment 2

If you have any questions, please contact (b) (6) SAF/AQCP, at (b) (6)  
(b) (6) or e-mail (b) (2) : (b) (6)

  
MAUREEN M. CLAY, Col, USAF  
Associate Deputy Assistant  
Secretary (Contracting)  
Assistant Secretary (Acquisition)



House Appropriations Committee - Defense  
Congressional Reporting Requirement  
House Report 111-230 - Department of Defense Appropriations Bill, 2010

Sub Agency (1)	Sub Agency (2)	Contract # (with Mod/TO/DO # as appropriate)	Program Description	Date UCA Awarded	Anticipated Date for Definitization	NTE \$ Amount	\$ Amount Obligated
AFMC	ASC	FA861404C2004P00110, P00129, P00139, P00211, P00252, P00269	C-17 Australian GSP Support	27-Jul-06	30-Apr-10	\$128,688,689	\$82,251,000
AFMC	ASC	FA861507C6032	F-16 Peace Drive II (Pakistan Mod Program)	14-Dec-06	7-May-10	\$272,542,931	\$204,276,551
AFMC	ASC	F3365701D20500049, 004901, 004902, 004904, 004905, 004906, 004912, 004917, 004918, 004919, 004920, 004921, 004922, 004923, 004924, 004925, 004926, 004927, 004928	B-1 Pylon, Hardpoint, DDR & LCTP	9-Mar-07	26-Feb-10	\$84,428,631	\$61,660,899
AFMC	ASC	FA861404C2004P00180, P00193, P00206, P00220, P00242, P00255	C-17 Canadian GSP Support	6-Jun-07	17-May-10	\$104,159,522	\$52,079,628
AFMC	ASC	FA861706D61500002, 000218, and 000234.	JPATS COMBS Services (FY08, FY09 and FY10)	31-Oct-07	26-Feb-10	\$174,080,255	\$104,846,924
AFMC	OO-ALC	FA821308C0028	Enhanced Paveway II and Enhanced Paveway III	14-Dec-07	31-Mar-10	\$161,278,400	\$113,374,851
AFMC	ASC	F3365703G43060046	Global Hawk Block 20 Initial Spares	20-Dec-07	26-Feb-10	\$76,000,000	\$57,000,000
AFMC	ASC	FA861404C2004P00196	C-17 LAIRCM GLTA Kits and Installis	22-Feb-08	31-Mar-10	\$77,000,000	\$34,650,000
AFMC	ASC	FA862007C4015P00004	Global Hawk Lot 7 MP-RTIP Production	7-Mar-08	14-Apr-10	\$79,400,000	\$53,889,761
AFMC	ASC	FA862506C6456P00033	KC-130J USMC Aircraft	18-Mar-08	15-May-10	\$133,200,000	\$30,000,000
AFMC	ASC	FA862506C6456P00044	C-130J Production and support for India	28-Mar-08	15-May-10	\$595,800,000	\$297,900,000
AFMC	ASC	FA862008C3001, P1, P2, P3, P4, P5, P7, P8 & P10	Global Hawk Lot 8 Long Lead and Full production	2-Apr-08	29-Sep-10	\$732,050,447	\$258,427,255
AFMC	ESC	FA870806D0001001011	JSTARS Propulsion Pod System Production	9-May-08	Definitized 5 Feb 2010	\$268,400,000	\$129,221,942
AFMC	ASC	FA861508C6050 (Basic and P00004)	F-16 Morocco Production Program	4-Jun-08	Definitized 21 Dec 2010	\$332,475,742	\$169,295,741
AFMC	ASC	FA861404C2004P00240, P00288, P00289	C-17 CY08-GRIP	12-Jun-08	25-May-10	\$114,000,000	\$51,300,000
AFMC	ASC	FA862506C6456P00037	C-130J HC/MC Recapitalization (Production)	13-Jun-08	15-May-10	\$470,000,000	\$75,000,000
AFMC	ASC	FA862506C6456P00058	C-130J MYP Conversion Savings Aircraft	21-Jul-08	15-May-10	\$125,489,516	\$94,100,000
AFMC	ASC	FA862008C3013	MOROCCO DB-110 Pods	28-Aug-08	26-Feb-10	\$87,940,000	\$48,419,052
AFMC	ASC	FA862006G40410008, 000801(17 Sep 08), 000802(24 Sep 08), 000803(17 Nov 08)	Predator/Reaper Multi-spectral Targeting System (MTS) FY08 Production Requirements	17-Sep-08	26-Feb-10	\$120,174,000	\$49,165,062
AFMC	ASC	FA862506C6456P00060, P00075	C-130J FY08 GWOT Buy	3-Oct-08	15-May-10	\$1,896,600,000	\$236,636,592
AFSPC	SMC	FA8816-06-C-0004, P00012	AFSPC-2 Launch Order, EELV Lockheed-Martin Buy 3; urgent requirement	6-Nov-2008	31-Mar-2010	\$145,200,000	\$72,600,000
AFMC	ASC	FA862005G30280050	MQ-9 A/Vs	26-Nov-08	Definitized 4 Jan 2010	\$115,158,656	\$86,368,992
AFMC	ASC	FA862506C6456P00068	C-130J HC/MC-Unique Requirements	9-Dec-08	15-May-10	\$56,560,000	\$19,634,000

House Appropriations Committee - Defense  
Congressional Reporting Requirement  
House Report 111-230 - Department of Defense Appropriations Bill, 2010

Sub Agency (1)	Sub Agency (2)	Contract # (with Mod/TO/DO # as appropriate)	Program Description	Date UCA Awarded	Anticipated Date for Definitization	NTE \$ Amount	\$ Amount Obligated
AFSPC	SMC	FA8819-08-C-0006, P00002	Space Based Space Surveillance (SBSS) Maint/Ops (MOR). Enable pre-planning ops, and logistics support post-launch post-2009; urgent requirement	22-Dec-2008	Definitized 14 Jan 2010	\$55,600,000	\$41,716,701
AFMC	ASC	FA862005G30280058	MQ-9 Italian FMS	5-Feb-09	24-May-10	\$81,273,117	\$54,076,829
AFMC	ASC	FA861406D20060003 & 000303	C-17 +15 Buy	6-Feb-09	20-Apr-10	\$2,950,000,000	\$2,203,135,820
AFMC	ASC	FA861404C2004P00278	C-17 SAC Sustainment Effort	9-Feb-09	10-May-10	\$114,400,000	\$56,056,000
AFMC	ESC	F1962803D00150071	INDIANA/KANSAS/MA ANG DCGS SITES	13-Mar-09	Definitized 4 Feb 2010	\$60,007,695	\$45,005,772
AFMC	ASC	F3365702D00090064	F-22 Shutdown Planning	3-Apr-09	30-Sep-10	\$74,800,000	\$17,500,000
AFMC	ASC	FA862009C4001 & P1	Global Hawk Lot 9	22-Apr-09	29-Sep-10	\$75,209,000	\$75,209,000
AFMC	ASC	FA862009D30330001	Big Safari - Project Liberty	24-Apr-09	30-Apr-10	\$93,312,000	\$69,984,000
AFMC	ASC	FA862506C6456P00080	C-130J Iraq (4 aircraft)	30-Apr-09	15-May-10	\$292,800,000	\$6,920,907
AFMC	ASC	FA862006G40020942	Big Safari - Project Liberty	5-May-09	31-Mar-10	\$55,665,245	\$41,748,934
AFMC	ASC	FA861406D20060004	C-17 NATO Aircraft	5-May-09	30-Jun-10	\$400,000,000	\$318,873,120
AFMC	ASC	FA861709C6166	T-6A Israeli FMS Case	18-May-09	1-Mar-10	\$123,794,733	\$84,810,375
AFMC	ASC	FA861404C2004P00298	C-17 CY09 GRIP	19-May-09	31-Aug-10	\$144,527,500	\$65,037,375
AFSPC	SMC	FA8810-08-C-0002, P00002	SBIRS SFP HEO/GEO 3 Prod & Ground Sys; preserve delivery dates, accommodate 3rd HEO	29-May-2009	31-Mar-2010	\$1,487,400,000	\$1,115,550,000
AFMC	ESC	FA872609C0010	Battlefield Airborne Communications Node (BACN) Rapid Fielding	24-Jun-09	26-Mar-10	\$276,281,235	\$97,802,680
AFSPC	SMC	FA8810-08-C-0002, P00007	SBIRS SFP HEO/GEO 4 Long Lead Effort; UCA needed to preserve delivery schedule	10-Jul-2009	31-Mar-2010	\$262,000,000	\$137,125,000
AFMC	ASC	FA862009D30330003	Big Safari - Project Liberty	15-Jul-09	30-May-10	\$119,744,999	\$61,069,949
AFMC	ASC	FA861404C2004P00305	C-17 FY09 ER/OBIGGS	17-Jul-09	30-Aug-10	\$53,680,000	\$26,303,200
AFMC	ASC	FA862006G40410010 (inclusive of mods 001003 & 001004)	Predator/Reaper Multi-spectral Targeting System (MTS)	24-Jul-09	23-Jul-10	\$150,468,526	\$24,285,621
AFMC	ASC	FA862009C3046	Big Safari - Java Man	4-Aug-09	12-Mar-10	\$86,802,798	\$86,802,798
AFSPC	SMC	FA8818-09-C-0050, P00008	SDTW Operationally Responsive Space-1 (ORS-1); procure Space Vehicle in support of JFC Urgent Need #3	6-Aug-2009	15-Mar-2010	\$85,899,999	\$44,000,000
AFMC	ASC	FA862506C6456P00098	C-130J Iraq (2 add'l aircraft)	11-Aug-09	15-May-10	\$140,300,000	\$0
AFMC	ASC	FA861709C6175	T-6A Iraq FMS Case	14-Aug-09	31-Aug-10	\$170,848,937	\$146,192,091
AFMC	ESC	F1962800C0100P00174	ECP021-JSRM WAS Phase II -UCO	18-Aug-09	23-Jul-10	\$57,100,000	\$51,636,583
AFMC	ASC	FA861709C6170 and P1	T-6C Morocco FMS Case	18-Sep-09	13-Aug-10	\$185,267,002	\$91,055,341
AFMC	AAC	FA8681-09-C-0280 P00002	Massive Ordnance Penetrator	30-Sep-09	31-Mar-10	\$51,900,000	\$25,900,000
AFMC	ASC	FA862006G40020946	Big Safari - Project Liberty	6-Oct-09	30-Apr-10	\$68,528,170	\$29,330,000
AFMC	ASC	FA862506C6456P00087	C-130J FY10 USAF Buy (12 a/c)	16-Oct-09	15-May-10	\$827,400,000	\$8,274,000
AFMC	ASC	FA861109C2900 and P7	F-22	29-Oct-09	7-Oct-10	\$652,200,000	\$205,400,000
AFSPC	SMC	FA8808-10-C-0002	Milstar/DSCS Orbital Operations & Logistics Sustainment Support (MOO&LSS); UCA required due to delayed Acq Plan approval	1-Dec-2009	31-May-2010	\$57,300,000	\$9,811,000

House Appropriations Committee - Defense  
Congressional Reporting Requirement  
House Report 111-230 - Department of Defense Appropriations Bill, 2010

Sub Agency (1)	Sub Agency (2)	Contract # (with Mod/TO/DO # as appropriate)	Program Description	Date UCA Awarded	Anticipated Date for Definitization	NTE \$ Amount	\$ Amount Obligated
AFMC	ASC	FA862006G40020945	Big Safari - Project Liberty	2-Dec-09	13-Apr-10	\$126,532,976	\$52,677,984
AFMC	ASC	FA861108C2896P00020	F119 Engines	11-Dec-09	13-Apr-10	\$147,958,008	\$62,418,709
AFMC	ASC	FA861108C2897P00036	F-22 FASTER	15-Dec-09	13-Apr-10	\$550,432,272	\$312,067,896
AFMC	ASC	FA862510C6505	C-40C Aircraft Buy	18-Dec-09	30-Apr-10	\$89,672,271	\$26,890,000
AFSPC	SMC	FA881108C0005P00006	Delta IV WGS-4 Launch Order/Protect Initial Launch Capability (ILC) dsate of Dec 2011	21-Dec-2009	5-May-2010	\$125,350,000	\$62,675,000
AFMC	ASC	FA861109C2901P00003	F119 Engines	23-Dec-09	18-Jun-10	\$102,409,543	\$30,000,000
AFMC	ASC	FA862005G30280071	Predator/Reaper CY10 CLS	31-Dec-09	10-May-10	\$260,171,466	\$53,211,125
AFMC	ASC	FA862506C6456P00095	FY08 GWOT MC-130J Aircraft	8-Jan-10	15-May-10	\$105,465,088	\$9,664,115
AFMC	AAC	FA8682-10-C-0016	JASSM Lot 8	20-Jan-10	19-Jul-10	\$243,502,602	\$95,323,275