



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

NOV 12 2010

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Class Deviation to the Federal Acquisition Regulation – Cessation of the Use of Evaluation Factor and Subfactor for Small Disadvantaged Businesses

The attached Director of Defense Procurement and Acquisition Policy (DPAP) memorandum of November 8, 2010 is forwarded for your information and action, as appropriate. This memorandum informs that effective immediately, Department of Defense contracting officers shall not use or apply the evaluation factor and subfactor in Federal Acquisition Regulation (FAR) Subpart 19.12 and Defense Federal Acquisition Regulation Supplement (DFARS) 219.12, Small Disadvantaged Business Participation Program.

Contracting Officers shall modify existing solicitations in accordance with FAR 1.108(d). This class deviation remains in effect until incorporated in the FAR and DFARS or otherwise rescinded.

Further details are provided within the memorandum. Please ensure this guidance is provided to all appropriate contracting personnel. My point of contact is Ms. Gabrielle Trickett, gabrielle.trickett@navy.mil, 703-614-9641.

A handwritten signature in black ink, appearing to read "Bruce A. Sharp".

Bruce A. Sharp
Director, Program Analysis and
Business Transformation
Deputy Assistant Secretary of the Navy
(Acquisition & Logistics Management)

Attachment:
As stated

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of Evaluation Factor and Subfactor for Small Disadvantaged Businesses**

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

NOV -8 2010

In reply refer to DARS Tracking Number:
2011-O0003

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
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION & LOGISTICS MANAGEMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DIRECTORS, DEFENSE AGENCIES
DIRECTORS, DOD FIELD ACTIVITIES

SUBJECT: Class Deviation to the Federal Acquisition Regulation – Cessation of the Use of
Evaluation Factor and Subfactor for Small Disadvantaged Businesses

Effective immediately, Department of Defense (DoD) contracting officers shall not use or apply the evaluation factor and subfactor in FAR 19.12 and DFARS 219.12, Small Business Participation Program. Contracting officers shall modify existing solicitations in accordance with FAR 1.108(d). This class deviation remains in effect until incorporated in the FAR and DFARS or otherwise rescinded. This action conforms to the final judgment entered in *Rothe Development Corp. v U.S. Department of Defense, et al.*, No.SA-98-CV-1011XR (WD. TX) (February 26, 2009).

An interim DFARS rule will be published. We will consider comments received within two weeks after the date of this deviation in the formulation of the interim rule. Comments received after this period of time will be considered in the formulation of the final rule.

My staff point of contact for this matter is Ms. Cassandra R. Freeman, 703-602-8383 or cassandra.freeman@osd.mil.

Shay D. Assad
Director, Defense Procurement
and Acquisition Policy

cc:
DoD Small Business Program Directors