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

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Class Deviation—Definition of Contingency Operation

Effective immediately, all Department of Defense contracting officers shall comply with the language of the attached Director, Defense Procurement and Acquisition Policy memorandum of November 26, 2012 in lieu of the FAR 2.101 definition of "contingency operation."

Section 515 of the National Defense Authorization Act for Fiscal Year 2012 added section 12304a to the list of sections cited in the definition of contingency operation at 10 U.S.C. 101(a)(13). The added section provides for treatment of an operation as a contingency operation when the Secretary of Defense activates Reserves under the terms of 10 U.S.C. 12304a in response to a Governor's request for Federal assistance. This class deviation remains in effect until incorporated in the FAR or is otherwise rescinded. Further details are provided in the memorandum.

My point of contact is CAPT S. E. Armstrong at 703-614-9598 or stephen.e.armstrong3@navy.mil.

Althea H. Coetzee
RDML, SC, USN
Executive Director
DASN (AP)

Attachment:
As stated

Distribution:
See next page

SUBJECT: Class Deviation—Definition of Contingency Operation

Distribution:
CMC (LB)
MARCORSYSCOM (CT)
MSC (N10)
NAVAIRSYSCOM (2.0)
NAVFACENGCOM (ACQ)
NAVSEASYSCOM (02)
NAVSUPSYSCOM (02)
ONR (02)
SPAWARSYSCOM (2.0)
SSP (SPN)

Copy to:
AGC (RDA)
DON OSBP

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

ACQUISITION,
TECHNOLOGY
AND LOGISTICS

NOV 26 2012

In reply refer to
DARS Tracking Number: 2013-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 AND PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE (CONTRACTING)
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Class Deviation–Definition of Contingency Operation

Effective immediately, all Department of Defense contracting officers shall comply with the attached language in lieu of the FAR 2.101 definition of "contingency operation." This class deviation adds section 12304a to the list of sections of 10 U.S.C. cited in the definition of a contingency operation.

Section 515 of the National Defense Authorization Act for Fiscal Year 2012 added section 12304a to the list of sections cited in the definition of contingency operation at 10 U.S.C. 101(a)(13). Section 12304a provides for treatment of an operation as a contingency operation when the Secretary of Defense activates Reserves under the terms of 10 U.S.C. 12304a in response to a Governor's request for Federal assistance. When informed that the Secretary of Defense has invoked such authority, contracting officers may use the emergency acquisition authorities provided in FAR subpart 18.2, DFARS subpart 218.2, and in the definition of "simplified acquisition threshold" at FAR 2.101. However, the use of these authorities is limited to acquisitions in support of specifically identified emergency areas.

This class deviation remains in effect until incorporated in the FAR or is otherwise rescinded. My point of contact is Ms. Meredith Murphy, who may be reached at 571-372-6098, or at meredith.murphy@osd.mil.

Richard Ginman
Director, Defense Procurement
and Acquisition Policy

Attachment:
As stated

DARS Tracking Number 2013-O0003
Definition of Contingency Operation

Use the definition below in lieu of the definition of "contingency operation" at FAR 2.101 when making acquisitions in support of a major disaster:

"Contingency operation" (10 U.S.C. 101(a)(13)) means a military operation that—

(1) Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(2) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, **[12304a,]**12305, or 12406 of 10 U.S.C., Chapter 15 of 10 U.S.C., or any other provision of law during a war or during a national emergency declared by the President or Congress.

Attachment