DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY FORCES COMMAND
1777 HARDEE AVENUE SW
FORT MCPHERSON GEORGIA 30330-1062

REPLY TO
ATTENTION OF

AFLG-PR 18 September 1997

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Contracting Information Letter (CIL) 97-44

1. This CIL contains information on the following subjects:

a. Customer Satisfaction Feedback,

b. Defense Acquisition Workforce Improvement Act (DAWIA)-Policies Regarding Contracting Positions and Assignments Rights Policy for Certain Acquisition Personnel,

c. Military Dining Facilities Contracts, and

d. Certification of the Army Acquisition Workforce.

2. Customer Satisfaction Feedback. Reference memo, SARD-PR, 4 September 1997, SAB (encl 1). Customer surveys and questionnaires should only be part of the overall gauge of customer satisfaction. Contracting managers, at all levels, are encouraged to get out and meet customers face-to-face to learn first hand the degree of customer satisfaction. For additional information, please contact Clyde Thomas at DSN 367-6372.

3. Defense Acquisition Workforce Improvement Act (DAWIA))-Policies Regarding Contracting Positions and Assignments Rights Policy for Certain Acquisition Personnel. At enclosure 2 is SARDA policy memorandum, undated (received 3 September 1997), SAB, which addresses hiring and placement of personnel into the 1102 series. A copy of this guidance is also being disseminated to Civilian Personnel Offices and Advisory Centers through Civilian Personnel channels.

4. Military Dining Facility Contracts.

a. Reference memo, SARD-PS, dated 1 August 1997, SAB (encl 3).

b. There has been some confusion regarding the interpretation of the Randolph-Sheppard Act. The act allows

blind persons to operate vending facilities on federal property. However, some Army installations have awarded military food service contracts using solicitation and evaluation procedures promulgated by the Department of Education, which implement the provisions of the Randolph-Sheppard Act. Until the issue is resolved, **Army Contracting Activities shall notify SARDA (with a copy to the PARC Office), in writing, of any dining facility contract.** See enclosure 3, page 2, for the correct address. The notice shall be provided during the procurement planning stage, and **prior** to the release of any solicitation.

5. Certification of the Army Acquisition Workforce (AAW). Effective 1 October 1997, all DOCs shall keep a file containing the certification records of the AAW members within the Directorate. For AAW members who are not certified, a memo shall be present detailing what is needed for that individual to be certified and what steps are being taken (along with a target date) to achieve certification. **This will be an item of review on FORSCOM Management Reviews.** For additional information, please contact Clyde Thomas at DSN 367-6372.

3 Encls
as

CHARLES J. GUTA
Colonel, AC
Chief, Contracting Division, DCSLR
Principal Assistant Responsible
for Contracting

AFLG-PR
SUBJECT: Contracting Information Letter (CIL) 97-44

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NATIONAL TRAINING CENTER & FT IRWIN, ATTN: AFZJ-DC
ARMY ATLANTA CONTRACTING CENTER, ATTN: AFLG-PRC

SEP 10 1997

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH DEVELOPMENT AND ACQUISITION
103 ARMY PENTAGON
WASHINGTON DC 20310-0103

4 SEP 1997

REPLY TO
ATTENTION OF

SARD-PR

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Customer Satisfaction Feedback

The Acquisition Community shares the goal of making sure our soldiers are equipped to be the strongest, most powerful fighting force in the world. To accomplish this we must be on the cutting edge of new technology and work together as a team to make the acquisition process more efficient and to better serve our customers and the soldier in the field.

The Army Contracting Workforce is made up of highly trained, motivated and empowered professionals who have been very successful in streamlining and improving the contracting process. Our focus is on sound business judgment and responsiveness to customers. Contracting professionals have significant business expertise that makes them valuable members of the Acquisition Team.

We have streamlined our contracting organizations to not only cut overhead but to be more responsive to customer needs. In order to continuously improve our responsiveness, we need an effective and efficient feedback mechanism to measure customer satisfaction.

During assistance visits to field contracting activities we have found that Customer Questionnaires and Surveys, used by many contracting activities to measure customer satisfaction, while effective, do not produce the results of the face-to-face discussions employed by some contracting organizations. At these organizations, Contracting Managers, at every level, get out on a regular basis and meet with their customers to learn first hand the degree of satisfaction. These meetings also serve to keep our managers in touch with what is happening on the requirements side of the house and to anticipate their customer's changing needs.

I want to encourage all of you to institutionalize sound customer feedback processes in your activity's Business Plan in order to maintain consistency and momentum in improving customer satisfaction throughout your organizations. I offer this face-to-face method of obtaining feedback for

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consideration as a method of measuring customer satisfaction as well as promoting communications between contracting organizations and their customers.

We in the Contracting Community are committed to providing the best contracting support possible by continuing to find new, better ways of doing business. Working together as a team with our customers and our industry partners will ensure the continued technical superiority of the Army of the 21st Century.

Kenneth J. Oscar
Acting Assistant Secretary of the Army
(Research, Development and Acquisition)

DISTRIBUTION:
PRINCIPAL ASSISTANTS RESPONSIBLE FOR CONTRACTING
HQ, U.S. Army Materiel Command, ATTN: AMCRDA-AC (PARC), 5001 Eisenhower Avenue, Alexandria, VA 22333-0001
U.S. Army Aviation and Troop Command, ATTN: AMSAT-A-Z, 4300 Goodfellow Boulevard, St. Louis, MO 63120-1798
U.S. Army Chemical and Biological Defense Command, ATTN: AMSCB-PO, Building E4455, Aberdeen Proving Ground, MD 21010-5423
U.S. Army Communications-Electronics Command, ATTN: AMSEL-AC, Fort Monmouth, NJ 07703-5000
U.S. Army Industrial Operations Command, ATTN: AMSIO-AC, Rock Island, IL 61299-6000
U.S. Army Missile Command, ATTN: AMSMI-AC, Redstone Arsenal, AL 35898-5280
U.S. Army Soldier Systems Command, ATTN: AMSSC-AD, Kansas Street, Natick, MA 01760-5011
U.S. Army Tank-automotive and Armaments Command, ATTN: AMSTA-AQ, Warren, MI 48397-5000
U.S. Army Test and Evaluation Command, ATTN: AMSTE-PR, Aberdeen Proving Ground, MD 21005-5055
U.S. Army Research Laboratory, ATTN: AMSRL-CS-PR, 2800 Powder Mill Road, Adelphi, MD 20783-1197

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH DEVELOPMENT AND ACQUISITION
103 ARMY PENTAGON
WASHINGTON DC 20310-0103

SEP 03 1997

REPLY TO
ATTENTION OF

SARD-PM

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Defense Acquisition Workforce Improvement Act (DAWIA)—Policies Regarding Contracting Positions and Assignments Rights Policy for Certain Acquisition Personnel

References.

a. Assistant Secretary of Defense Memorandum, January 12, 1994, Defense Acquisition Workforce Improvement Act (DAWIA) -- Policies Regarding Contracting Positions.

b. HQDA Office of the Deputy Chief of Staff For Personnel Memorandum, July 21, 1993, Assignments Rights Policy for Certain Acquisition Personnel.

During the November 1996 Army Contracting and Acquisition Career Program Advisory Council Conference, the Principal Assistants Responsible for Contracting (PARCs) expressed significant concern about minimally-qualified individuals being placed in Contracting Workforce and Critical Acquisition Positions. Their concerns focused on having little or no control over hiring individuals, some of whom are not well qualified, for the contracting positions being filled. As we continue downsizing and reorganization efforts, it is critical that we emphasize the importance of maintaining high-performance organizations with the best talents available.

The Functional Chief's Representative surveyed major commands and installations in February 1997 to determine if an Army-wide systemic problem existed in this area. Results indicated that the incidents described at the CACPAC Conference are isolated. To preclude a proliferation of such incidents, however, we are reissuing established OSD personnel policies, procedures and guidance (references a and b) which you should use in negotiating with your Personnel Offices for highly qualified individuals.

You have the right and the responsibility to influence decisions regarding personnel placed in your organizations. Please take this responsibility seriously and seize opportunities to dialog with your civilian personnel counterparts to ensure placement of fully qualified personnel in line with established policies.

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Please ensure widest dissemination of these policies and procedures in your organizations. This memorandum has been coordinated with the Deputy Assistant Secretary of the Army (Civilian Personnel Policy).

The point of contact for this action is Ms. Dorothy Hindman, SARD-PM, (703) 697-8298, DSN 227: Email Address: hindmand@sarda.army.mil.

Edward G. Elgart
Acting Deputy Assistant Secretary of the
Army (Procurement)

Enclosures

DISTRIBUTION:
PRINCIPAL ASSISTANTS RESPONSIBLE FOR CONTRACTING
HQ, U.S. Army Materiel Command, ATTN: AMCRDA-AC (PARC), 5001 Eisenhower Avenue, Alexandria, VA 22333-0001
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U.S. Army Chemical and Biological Defense Command, ATTN: AMSCB-PO, Building E4455, Aberdeen Proving Ground, MD 21010-5423
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U.S. Army Tank-automotive and Armaments Command, ATTN: AMSTA-AQ, Warren, MI 48397-5000
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U.S. Army Research Laboratory, ATTN: AMSRL-CS-PR, 2800 Powder Mill Road, Adelphi, MD 20783-1197

ASSISTANT SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON DC 20301-4000

JAN 12 1994

PERSONNEL AND READINESS

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
COMPTROLLER
GENERAL COUNSEL
INSPECTOR GENERAL
DIRECTOR OF OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR OF ADMINISTRATION AND MANAGEMENT
DIRECTORS OF DEFENSE AGENCIES

SUBJECT: Defense Acquisition Workforce Improvement Act (DAWIA) -- Policies Regarding Contracting Positions

This establishes policy for selection of candidates for positions in contracting series, GS-1102, from Office of Personnel Management (OPM) certificates. It also establishes policy for placement through the Priority Placement Program (PPP) of employees in contracting officer and other GS-1102 series positions. The policy is effective immediately. (Reference ASD(FM&P) memo titled Assignment Rights Policy for Certain Acquisition Personnel of June 7, 1993, for policies specifically related to critical acquisition positions.)

Qualification Requirements/Quality Ranking Factors. DAWIA (P.L. 101-510 Title XII) imposed qualification requirements for GS-1102 series positions that are in addition to those established by OPM for competitive service positions. Under DAWIA, candidates for contracting officer positions must have completed all mandatory contracting courses at the grade level, or in the General Schedule grade, in which the candidate is serving. Candidates must also have at least two years of experience in a contracting position and have received a Bachelor's degree, or completed at least 24 semester credit hours (or the equivalent) from an accredited institution in any of the following: accounting, business finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management. Alternatively, they may have passed an appropriate equivalent exam that demonstrates possession of comparable skills, knowledge or abilities. They must also meet any additional requirements (quality ranking factors) established by the Secretary of Defense. For other positions in the GS-1102 series, candidates must meet either the degree, coursework, or equivalency examination requirements established for contracting officer positions.

Section 1724(c) of the Act exempts from the DAWIA education requirements employees who, on October 1, 1991, have at least 10 years of experience in acquisition positions, including comparable positions in other agencies or the private sector, or in similar positions in which they obtain experience directly relevant to the contracting field. None of the DAWIA contracting

requirements apply to employees serving in non-critical acquisition positions on October 1, 1993, with respect to their current positions. Such employees are grandfathered, which means they are considered to be fully qualified for the occupied position and other positions in the same or lower grade involving the same or lower level of responsibility as are persons who possess DAWIA qualifications.

Selection of candidates for contracting positions from OPM certificates. Although new DAWIA position requirements became effective October 1, 1993, OPM will continue to screen candidates only against the X-118 qualification standards when issuing certificates of eligibles for GS-1102 positions. Because DAWIA has authorized the Department of Defense to grant waivers to the additional DAWIA requirements, DoD Component personnel will provide the additional screening of candidates. Generally, waivers of the DAWIA requirements for entry-level candidates outside DoD are discouraged. However, the authority to waive qualifications for contracting positions has been delegated to the Acquisition Career Management Boards.

Placement of GS-1102 employees through the PPP. Employees serving in contracting positions, who did not meet the exception requirements under 10 U.S.C. 1724(c) and were reached for reduction in force before October 1, 1993, will be registered in the PPP for contracting positions for which they would otherwise be qualified, but for the DAWIA requirements. Normal PPP procedures apply to employees who were serving in contracting positions on October 1, 1993, or those who meet the exception requirements.

Section 1724(d) permits a waiver of the requirements for employees based on certain conditions. When an installation with a vacancy has more than one match within the same priority on the Automated Stopper and Referral System, registrants who meet all position requirements, including those under DAWIA, and those meeting the exceptions under Section 1724(c) will be offered the position first. If none are available or referred, the installation will seek a waiver for a registrant within that priority who is otherwise qualified but does not meet the DAWIA requirements. Registrants tentatively selected pending a waiver may remain registered in the PPP until the waiver is approved. This policy is consistent with that established for Critical Acquisition positions in ASD(FM&P) policy memorandum of June 7, 1993, titled: Assignment Rights of Certain Acquisition Personnel.

Example: On August 31, 1993, a GS-1102-9 employee is downgraded through reduction in force to a GS-318-7. The employee did not meet DAWIA requirements including those under Section 1724(c). The employee may be registered in PPP for GS-1102-9 even after October 1, 1993. If the employee is referred through PPP with other employees registered for the GS-1102-9 who meet all DAWIA requirements or exceptions, employees who do meet the requirements or exceptions will be placed before this employee.

Questions may be directed to Marge Lunk on (703) 607-1336 or Cathie Kasch on (703) 695-2330.

Edwin Dorn

THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-4000

FORCE MANAGEMENT AND PERSONNEL

7 JUN 1993

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
COMPTROLLER
GENERAL COUNSEL
INSPECTOR GENERAL
DIRECTOR OF OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR OF ADMINISTRATION AND MANAGEMENT
DIRECTORS OF DEFENSE AGENCIES

Subject: Assignment Rights Policy for Certain Acquisition Personnel

This is to establish policy for the assignment rights of certain acquisition personnel during a reduction in force, placement through the Priority Placement Program and exercise of return rights from overseas assignments. This policy may not be effected until October 1, 1993.

The Defense Acquisition Workforce Improvement Act (DAWIA) of 1990, P.L. 101-510, Title XII, imposed qualification requirements for certain acquisition positions. These requirements are in addition to those established by the Office of Personnel Management for competitive service positions; and, therefore, have an impact on assignment rights of employees occupying these positions.

Reduction-in-Force Assignment Rights of Employees "grandfathered" or waived into Contracting Positions or Critical Acquisition Positions

a. Employees in Contracting Positions - DAWIA states that an employee who is serving in a contracting position on October 1, 1993, will be qualified to continue to serve in that position or in any other position in the same grade and involving the same level of responsibility. This language suggests that these employees would be restricted from "bumping" or "retreating" into lower graded positions. However, it is the position of the General Counsel that the Congress only intended to control the upward movement of employees who did not meet the new DAWIA requirements. An amendment to DAWIA reflecting that interpretation is presently before Congress awaiting passage. Therefore, employees grandfathered under 10 U.S.C. 1724-(c) (2), are entitled, if otherwise eligible, to exercise bump and retreat rights

to lower graded positions in occupations other than contracting and to contracting positions.

b. Employees in Critical Acquisition Positions (CAPS) - Effective October 1, 1993, DAWIA (10 U.S.C. 1733 (a)) requires that CAPs may only be filled by members of the Acquisition Corps. In those situations where RIF notices have been issued prior to October 1, 1993, qualifications for the individual CAPs in the competitive area will remain the same throughout the notice period until all personnel actions related to that RIF are completed or the notice is rescinded. Besides the requirement for Corps membership, Section 1735 prescribes additional requirements for certain Program Managers (PMs), Deputy PMs, Program Executive Officers (PEOs), and Senior Contracting Officials. These new requirements dictate that CAPs and the aforementioned positions be placed in separate competitive levels (CLs) for reductions in force.

Section 1736 (c) (1) further provides that an employee serving in a CAP, including Deputy PM, PEO and Senior Contracting Official positions, on October 1, 1992, may continue to serve in that position without being a Corps member or meeting the additional requirements under Section 1735. For PM positions, employees are "grandfathered" if they were occupying the position on October 1, 1991. Employees who are "grandfathered" under this authority will have their positions placed in their own individual competitive levels separate from those positions occupied by employees who meet the DAWIA requirements. These employees are only "grandfathered" for the position they held on October 1, 1991, for PM positions, and the position held on October 1, 1992, for all other CAPs. Furthermore, employees who occupy CAPs based on a waiver granted under Section 1737 (c), must also have their positions placed in a separate CL, since the waiver is position specific, and therefore, prohibits them from competing with employees who meet the DAWIA requirements. This waiver should be distinguished from waivers under Section 1732 (d) which would give an employee membership in the Acquisition Corps for all purposes.

Employees who are "grandfathered" or waived into a CAP may not bump or retreat into other CAPs, unless they otherwise meet all of the DAWIA requirements for that position, i.e., are a Corps member, or meet the specific additional requirements for PMs, Deputy PMs, PEOs and Senior Contracting Officials. Employees have until the effective date of the RIF to meet these requirements.

Note: Components should, nevertheless, take into account any qualifications separately imposed by provisions of DAWIA in determining CLs in reduction in force involving acquisition employees.

Priority Placement Program Rights of Employees "Grandfathered" or Waived into Critical Acquisition Positions

Employees who were "grandfathered" or waived into a CAP who become eligible for the Priority Placement Program can be registered for any other CAP for which they would be otherwise qualified, but for the DAWIA requirements. A data field will be available in the PPP that will indicate Corps membership.

Section 1737 (c) permits Secretaries of the military departments to waive the requirement for Corps membership based on certain criteria when filling vacancies. When an installation with a vacancy has more than one match within the same priority on the Stopper List, registrants who meet all position requirements, including those under DAWIA, will be selected first. If there are no such registrants, or if those with Corps membership decline, the installation will seek a waiver for a registrant within that same priority who is not a Corps member, if a waiver has not been previously requested and denied. Employees who have requested and been denied waivers but whose qualifications have substantially changed since the denial, may again be considered for waivers. Registrants tentatively selected pending a waiver, may remain registered in the PPP until the waiver is approved. Waivers denied through this process will be reviewed by the Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy/Equal Opportunity) and the Office of the Director, Acquisition Education, Training and Career Development. Component offices responsible for processing the waivers will forward denied waivers submitted under the PPP to these offices within five days after the decision. Component specific position requirements may not be the basis for denying placement, if the person otherwise meets all DoD and DAWIA requirements.

Assignment Rights for Overseas Returnees

10 U.S.C. 1586 (c)(4) provides for employees who accept assignments outside the United States to have return rights to the position held immediately before the assignment outside of the U.S., if such position exists. DAWIA has changed certain acquisition positions by imposing new requirements, which are effective October 1, 1993. On or after that date, any returnee whose obligated position was brought under DAWIA coverage and who does not meet the DAWIA requirements has a right of assignment

only to a comparable position, or an additional position established pursuant to Section 1586. Installations may, however, seek a waiver under component procedures to allow the returnee to be placed in the "new" (obligated) position.

Because of the importance of Acquisition Corps membership in determining eligibility for assignment, employees who are "grandfathered" or waived into their positions should be encouraged to file for membership in their Component Acquisition Corps.

New position requirements imposed by DAWIA must be reflected in the position description of record for all acquisition positions. Position descriptions for CAPs must be specifically modified to include the following statements:

This is a Critical Acquisition Position. Unless specifically waived by the appropriate Component official, (i.e., the Director of Acquisition Career Management for the Component, the Service Acquisition Executive, or the Service Secretary) or if the employee is "grandfathered" under 10 U.S.C. 1736(c)(1), the following are statutorily mandated requirements (Reference: 10 U.S.C. 1733 and 1737):

(1) Selectee must be a member of an Acquisition Corps at the time of appointment.

(2) Selectee must execute, as a condition of appointment, a written agreement to remain in Federal service in this position for at least three years. In signing such agreement, the employee does not forfeit any employment rights, nor does such agreement alter any other terms or conditions of employment.

Questions may be directed to Ms. Cathie Kasch on (703) 695-2330.

ROBERT N. JOYCE
Senior Civilian Official

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH DEVELOPMENT AND ACQUISITION
103 ARMY PENTAGON
WASHINGTON DC 20310-0103

REPLY TO
ATTENTION OF

1 AUG 1997

SARD-PS

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Military Dining Facility Contracts

It has come to my attention that some Army installations have awarded military food service contracts using solicitation and evaluation procedures promulgated by the Department of Education, which implement the provisions of the Randolph-Sheppard Act (R-S Act)(as amended). The R-S Act's purpose is to provide blind persons (as defined by each state's licensing authority) with remunerative employment by authorizing them to operate vending facilities on Federal property. Vending facilities are automatic vending machines, cafeterias, snack bars, cart services, shelters, counters, and such other equipment as may be necessary for the sale to federal employees of newspapers, periodicals, confections, tobacco products, foods, beverages, and other articles or services dispensed automatically or manually.

A straightforward reading of the R-S Act's provisions reveals that its intent is clear and its purpose is accomplished by giving blind individuals a preference to sell the above commodities to Federal employees from vending facilities in Federal buildings. Since enactment in 1936, through its most recent amendment in 1974, twenty-three years ago, it has served that purpose, without coming into conflict with statutes and federal acquisition regulations that control the expenditure of appropriated funds for the operation of military dining facilities or other contracted services. Individuals using vending facilities make purchases of products by reimbursing the operator of the vending facility, unlike transactions undertaken when the Government uses appropriated funds to obtain supplies by contract.

The procedures established to implement the R-S Act differ significantly from those established for appropriated fund contracting actions, which our contracting activities are required to follow. For instance, the Federal Acquisition Regulation (FAR) does not authorize contracting officers to solicit on an unrestricted basis when a set-aside for small or small disadvantaged business is required by that Regulation; nor does the FAR

allow waiver of competitive procedures in order to award a contract to an offeror whose offer, although within the competitive range, does not represent the best value.

Recently, however, individuals, firms and state government entities have sought and been awarded food service contracts for our mess halls after they have successfully asserted that the R-S Act applies to those services. I do not agree that the framers of the Act (as amended) intended that result. In order to clarify the intent of the Act, and remove the current causes of confusion and litigation, we are seeking to amend the R-S Act with clarifying language that specifically excludes military troop dining facilities. I will also act to have R-S Act implementing instructions contained in DODD 1125.3, Vending Facility Program for the Blind on Federal Property, April 7, 1978, and its counterpart AR 210-35, changed to remove language and procedures that are in conflict with FAR and the expenditure of appropriated funds.

In the interim, until the R-S Act is amended, or the issue is otherwise resolved, Army contracting activities shall notify the Office, Deputy Assistant Secretary of the Army (Procurement), ATTN: SARD-PS, 5109 Leesburg Pike, Suite 916, Falls Church, Virginia, 22041-3201, of any military dining facility requirement. This notice shall be provided during the procurement planning stage, and prior to the release of a solicitation. The purpose will be to exchange information and receive specific guidance to minimize the potential for issuing a solicitation or awarding a contract that may adversely affect the interests of the United States, and/or my above position with regard to the applicability of the R-S Act.

Contracting activities that have already issued solicitations which include a potential for an award to an State Licensing Agency (SLA) are advised that they should apply the rules to the competitive range determinations at FAR 15.609. The establishment of more than one competitive range determination is permitted. As part of an evaluation of the SLA's offer, pursuant to DODD 1125.3, ensure that their selected operator(s) are in fact state licensed blind persons and that sighted employees are to be utilized only to the extent reasonably necessary. Solicitation documents shall stipulate that this requirement be addressed and satisfied prior to award. Although the R-S Act's intent is to provide employment for blind individuals,

our experience is that only one such blind person is involved in performance of an R-S Act contract for our mess halls.

You are also reminded that contracts to Agencies for the Blind (NIB) and Severely Disabled (NISH), which have contract priority for services in accordance with FAR SUBPART 8.7, such as full food or mess attendant services, are encouraged These services offer employment opportunities for a substantial number of blind or severely disabled individuals. Whenever possible, breakout those services from the larger food service requirement, for award to those Agencies.

Point of contact on R-S Act matters is Ray Kelly, DSN 761-7563, kellyr@sarda.army.mil.

Kenneth J. Oscar
Acting Assistant Secretary of the Army
(Research, Development and Acquisition)

DISTRIBUTION:
HEADS OF CONTRACTING ACTIVITIES
Assistant Deputy Chief of Staff for Acquisition, Contracting and Production Management, Headquarters, U.S. Army Materiel Command, ATTN: AMCRDA-AQ, 5001 Eisenhower Avenue, Alexandria, VA 22333-0001
Commander, U.S. Army Aviation and Troop Command, ATTN: AMSAT-G, 4300 Goodfellow Boulevard, St. Louis, MO 63120-1798
Commander, U.S Army Communications-Electronics Command, ATTN: AMSEL-CG, Fort Monmouth, NJ 07703-5000
Commander, U.S. Army Missile Command, ATTN: AMSMI-CG, Redstone Arsenal, AL 35898-5000
Commander, U.S. Army Tank-automotive and Armaments Command, ATTN: AMSTA-CG, Warren, MI 48397-5000
Commander, Military Traffic Management Command, ATTN: MTCG, 5611 Columbia Pike, Falls Church, VA 22041-5050
Commander, U.S. Army Pacific, ATTN: APCG, Fort Shafter, HI 96858-5100