



ACQUISITION
AND SUSTAINMENT

OFFICE OF THE UNDER SECRETARY OF DEFENSE

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WASHINGTON, DC 20301-3000

In reply refer to
DARS Tracking Number: 2020-O0012

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER
COMMAND (ATTN: ACQUISITION EXECUTIVE)
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
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DIRECTORS, DEFENSE AGENCIES
DIRECTORS, DEFENSE FIELD ACTIVITIES

SUBJECT: Class Deviation—Undefinitized Contract Actions During the National Emergency
for the Coronavirus Disease 2019

Effective immediately, for undefinitized contract actions (UCAs):

- The requirement at DFARS 217.7404-4(a) to limit obligations, after receipt of a qualifying proposal, to 75 percent of the not-to-exceed price before definitization does not apply to UCAs related to the national emergency for the Coronavirus Disease 2019 (COVID-19), as determined by the head of the contracting activity.
- The head of the contracting activity may waive the limitations in DFARS 217.7404(a)(1)(i), 217.7404-3(a), and 217.7404-4(a) for a UCA, if the head of the contracting activity determines that the waiver is necessary due to the national emergency for COVID-19. The words “without power of redelegation” at DFARS 217.7404-3(a)(1) are deleted.

This class deviation implements sections 13004 and 13005 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Pub. L. 116-136) and remains in effect until rescinded. My point of contact is Lt Col Bryan Lamb, who is available by telephone at 703-693-0497 or by email at Bryan.D.Lamb.mil@mail.mil.

Kim Herrington
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Defense Pricing and Contracting