

Questions for Commenter

In order to facilitate the 809 panel's review of the acquisition regulations applicable to the Department of Defense with a view toward streamlining and improving the efficiency and effectiveness of the defense acquisition process and maintaining defense technology advantage, and make any recommendations for the amendment or repeal of such regulations, please provide the following information. Please cite the specific statute, Executive Order or regulation and paragraph that you are addressing within your comments:

1. Any issues, concerns, benefits, and/or appropriateness of statutes, Executive Orders, Office of Management and Budget Circulars and implementing regulations with regard to the Department of Defense's ability to:
 - Establish and administer appropriate buyer and seller relationships in the procurement system;
 - Improve the functioning of the acquisition system;
 - Ensure the continuing financial and ethical integrity of defense procurement programs;
 - Protect the best interests of the Department of Defense; and/or
 - Eliminate any regulations that are unnecessary for the purposes described.
2. Any issues, concerns, benefits, and/or appropriateness of the current implementing Federal Acquisition Regulation (FAR) or Defense Federal Acquisition Regulation Supplement (DFARS) regulations, or Department of Defense Directives and Instructions including the extent to which these regulations, directives, or instructions are consistent with and effective in implementing the USC codes cited above.
3. Any issues, concerns, benefits, and/or appropriateness of DoD's policy and guidance on acquisition strategy and management, including the extent to which such DoD policy and guidance is consistent with and effective in further implementing the cited governing statutes and regulations.
4. Any issues/concerns associated with whether and how DoD personnel are prepared and equipped to implement DoD's acquisition policy and guidance, and/or the governing statutes and regulations, including via DoD's training curriculum, or otherwise.
5. The current approaches in regulation regarding the following topics:
 - Acquisition and management of services under DoD contracts;
 - Acquisition and management of Commercial Items under DoD contracts;
 - Acquisition and management of Commercial Services under DoD contracts;
 - Acquisition and management of digital services or information technology under DoD contracts;
 - Management of Technical Data or Rights in Computer Software and Computer Software Documentation acquired under DoD contracts;
 - Current practices implementing the Competition in Contracting Act of 1984 under DoD contracts;
 - Acquisition and management of items and services under Government-wide Acquisition Contracts, Multiple Agency Contracts, or Indefinite Delivery/Indefinite Quantity Contracts issued by DoD;
 - Impact of current DoD buying practices on achievement of the goals and objectives of the Small Business Act;

- Impact of current DoD acquisition and management practices on maintenance of the defense industrial base; and/or
- Impact of Cost Accounting Standards on the acquisition and management of DoD contracts and maintenance of the defense acquisition base.

6. The request isn't limited to where the law or regulations require a specific practice, but also includes where the Department uses a practice not required by law/regulation. For example, any of the following:

- a. What worked?
- b. What didn't work?
- c. What was fair?
- d. What wasn't fair?
- e. What practices encourage or discourage non-traditional contractors from entering the defense marketplace?
- f. What practices encourage or discourage commercial contractors from entering the defense marketplace?
- g. What practices encourage or discourage traditional contractors from privately investing in new products, technologies, and processes relevant to the missions of the DoD?

7. Acquisition practices used by DoD that encourage or discourage use of commercial technologies. For example, any of the following:

- a. What practices encourage or discourage vendors from providing DoD access to innovative products, technologies, and processes that have been developed for commercial use?
- b. What practices encourage or discourage the transition of Defense specific technologies into the commercial marketplace?

8. Any issues, concerns, benefits, and/or appropriateness of DoD's policy, guidance, and practices that may be different for purchases made or to be used outside the United States in support of contingencies or otherwise?

Commenters are requested to include specific citations to law, regulations, DoD policy and/or guidance, as well as examples and supporting data (e.g., specific DoD solicitations and/or contracts that demonstrate DoD practices) to support their comments, to the extent available. Although the Panel is not subject to the FACA, comments received will be publically posted on the Panel's website.

Comments submitted in response to this request for information will be used solely for the review of acquisition regulations applicable to the Department of Defense by the Government-Industry Advisory Panel (Advisory Panel on Streamlining and Codifying Acquisition Regulations (809 Panel)), pursuant to section 809 of the NDAA for FY 2016.