



FY 17 NDAA Changes

Section/Topic	Description	Status
Section 811, Undefinitized Contract Actions (UCAs)	Extends the 180-day UCA definitization requirement to contracts in support of FMS	28 Jun 2018 DPAP memo recommends use of priced options to reduce UCA use
Section 830(c), FMS Contracts to be FFP	Unless foreign partner indicates a preference for a different contract type <u>w/o USG influence</u> or requirement is waived on case-by-case basis when in best interest of U.S. taxpayers	28 Jun 2018 DPAP memo provides policy on contract types for U.S./FMS combined procurements. Class deviation designates Section 830(c) waiver authority as chief of the contracting office
Section 830(d), Accelerated Contracting and Pricing Pilot Program	Pilot program to reform and accelerate contracting and pricing process for full rate production for up to 10 FMS contracts annually until 2020. Allows for price reasonableness determinations to be made on actual cost and pricing data for same products bought by DoD	DoD goal is to reduce time to award sole source contracts by 50%. Six pilot programs selected – results will inform future legislative changes requests and DoD policy/process development
Section 1297(B), Feedback from Contractors before Providing P&A Data	Requires getting feedback from contractors on P&A data and adjudicating differences before disclosing it to foreign partners	SAMM change implemented 26 Oct 2018. Consultation required if value exceeds \$50M & purchaser has indicated sole source preference



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Section 887, Notional Milestones and Standard Timelines for FMS contracts	Requires SECDEF to establish notional milestones and standard timelines for FMS contracts – may vary based on complexity. Cover period beginning with complete LOR to delivery of article or service. Report due to Congress 180 days after NDAA enactment. Quarterly reports required for FMS cases meeting Congressional notification requirements that did meet standard timelines.	USD(A&S) provided milestones/ timelines to Congressional committees on 7 Jun 2018 <ol style="list-style-type: none">1. Receipt of complete LOR2. Providing LOA (blanket 25, defined 80, defined unique 130 days; BPC pseudo documents 40 days)3. LOA implementation4. Acquisition requirements package complete (120 days)5. Contract award (\$10-\$50M 270 days, \$50M+365 days)6. Delivery
Section 1268, GAO Report on FMS P&A Data	Requires GAO to report on FMS Price and Availability (P&A). Assessment of purpose and role of P&A data and DoD guidance. Assessment of degree of accuracy of P&A data and factors that may account for “discrepancies”	GAO data collection complete. Exit interview conducted with DSCA