



Washington, D.C. 20530

OCT 4 2001

MEMORANDUM FOR BUREAU PROCUREMENT CHIEFS

FROM:


Janis A. Spasato
Procurement Executive

SUBJECT: DOJ Procurement Guidance Document 01-3: The Federal Detention Trustee and Use of the Department's Special Authority to Contract for Detention or Incarceration Space or Facilities.

Section 119 of the Department of Justice Appropriations Act for 2001 (Public Law 106-553) authorizes the Attorney General to enter into contracts and other agreements, of any reasonable duration, for detention or incarceration space or facilities, including related services, on any reasonable basis (notwithstanding the Service Contract Act providing that service contracts be limited to a 5 year period of performance). That authority was delegated to the Assistant Attorney General for Administration who has now redelegated it to the newly appointed Federal Detention Trustee. The purpose of this document is to provide interim guidance for the use of this authority until revised or superseded by the Federal Detention Trustee.

DOJ Procurement Guidance Document 01-2 is hereby cancelled. However, the procedures it contained remain in effect and are repeated below with the exception that approval of the Detention Trustee is substituted for that of the Procurement Executive.

This special contracting authority may not be used without the written approval of the Federal Detention Trustee. Requests for approval shall be submitted as part of the initial phase of acquisition planning phase for the project. The decision of the Federal Detention Trustee will, therefore, provide the basis for choosing the procurement strategy best suited for each specific requirement. The following information must be included with the approval request:

- Complete description of the facility/services to be acquired
- Duration of performance (contract term)
- Estimated cost
- Ownership of the Facility: Government or Contractor
- Extent of competition expected
- Type of contract contemplated
- Geographic location

- Capacity requirements
- Level of security
- Related service needs
- Basis for requesting this authority
- Concurrence of the Bureau Procurement Chief

Questions about the use of this special authority or these procedures should be directed to Mr. Craig H. Unger, Federal Detention Trustee, at (202)353-4601.

Please add this document to your collection of DOJ Procurement Guidance Documents. If you have any questions, please call H.B. Myers at (202)616-3758.

cc: Federal Detention Trustee
Director, Office of General Counsel, JMD