



OFFICE OF FEDERAL  
PROCUREMENT POLICY

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 26, 2008

MEMORANDUM FOR CHIEF ACQUISITION OFFICERS  
AGENCY SENIOR PROCUREMENT EXECUTIVES

FROM:

Paul A. Denett  
Administrator

SUBJECT:

Use of Advisory and Assistance Service Contract Waiver Authority

Section 834 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, requires the Office of Federal Procurement Policy (OFPP) and the Department of Defense to report separately to Congress on the use of advisory and assistance services (A&AS) contracts. In addition, section 834 authorizes the head of an agency to issue a waiver to extend a task order contract for A&AS contracts for a period of not more than ten years if the agency head makes certain written determinations. However, section 834 prohibits the issuance of a waiver if certain data, on the use of A&AS, is not submitted to Congress by April 1, 2007. See attached for a copy of section 834.

OFPP surveyed agencies to determine the availability of data specified in section 834. Agencies indicated that this data is not available. OFPP researched other sources for A&AS data (e.g., OMB Circular A-11- Object Class Code 25.1, Federal Procurement Data System (FPDS)) but none of these sources could provide the information outlined in section 834. Because the information requested was not available to include in our report to Congress, agencies are prohibited from issuing waivers to extend task order contracts for A&AS contracts pursuant to section 834.

OFPP is assessing the Federal Acquisition Regulation A&AS definition and the FPDS reporting requirements for service contracts, in general, as a part of our continued efforts to strengthen the management of service contracts. As part of this assessment, we intend to consider the recommendations in a pending Government Accountability Office report on A&AS contracts. If you have any questions regarding this matter, please contact Julia Wise on (202) 395-7561.

Attachment