



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

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DPAP/P

MEMORANDUM FOR DIRECTORS, DEFENSE AGENCIES
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(POLICY AND PROCUREMENT), ASA(ALT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION MANAGEMENT), ASN(RDA)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC
EXECUTIVE DIRECTOR, ACQUISITION, TECHNOLOGY
AND SUPPLY DIRECTORATE (DLA)
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, ARMY CONTRACTING AGENCY

SUBJECT: Applicability of the Javits-Wagner-O'Day Act and the Randolph-Sheppard Act to Military Dining Facility Contracts

Pursuant to section 848 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), the Department of Defense (DoD), the Department of Education (ED), and the Committee for Purchase From People Who Are Blind or Severely Disabled (CFP), submitted a report describing the joint statement of policy to specified congressional committees on September 1, 2006. This joint statement of policy represents the agreement between DoD, ED, and the CFP concerning the application of the Javits-Wagner-O'Day (JWOD) Act (41 U.S.C. 48 *et seq*) and the Randolph-Sheppard Act (R-SA) (20 U.S.C. 107 *et seq*) programs to contracts for the operation and management of military dining facilities and to contracts for food services, mess attendant and other services supporting the operation of military dining facilities. The joint policy should not be cited in individual solicitations until it is implemented in complementary regulations by the ED and DoD. The exception is the provision of the joint policy, which was enacted as section 856 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

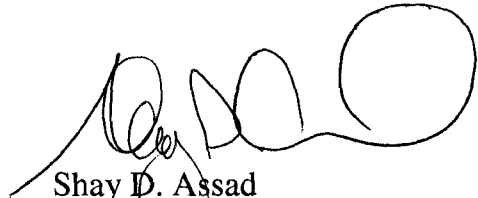
Section 856, entitled "Contracting with Employers of Persons with Disabilities," repeals subsections (a) and (b) of section 853 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), and addresses the applicability of the JWOD Act and R-SA to the operation of military dining facility



contracts and military dining facility support services as of the date of enactment (October 17, 2006). The law states ---

- (1) The R-SA does not apply to full food services, mess attendant services, or services supporting the operation of a military dining facility that, as of the date of the enactment of this Act, were services on the procurement list established under section 2 of the JWOD Act.
- (2) The JWOD Act does not apply at the prime contract level to any contract entered into by the DoD as of the date of the enactment of this Act with a State licensing agency under the R-SA for the operation of a military dining facility.
- (3) The JWOD Act shall apply to any subcontract entered into by a DoD contractor for full food services, mess attendant services, and other services supporting the operation of a military dining facility.

My staff point of contact for the above is Ms. Susan Pollack, (703) 697-8336 or susan.pollack@osd.mil.

A handwritten signature in black ink, appearing to read 'Shay D. Assad', with a large circular flourish at the end.

Shay D. Assad
Director, Defense Procurement
and Acquisition Policy