



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

OCT 13 2016

In reply refer to
DARS Tracking Number: 2016-O0010

MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION AND PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Class Deviation—Competition for Religious-Related Services

This class deviation rescinds and supersedes Class Deviation 2016-O0007. Effective immediately, contracting officers shall not preclude a nonprofit organization from competing for a contract for religious-related services on a U.S. military installation, in accordance with section 898 of the National Defense Authorization Act for Fiscal Year 2016.

Contracting officers shall not use any of the authorities for other than full and open competition at FAR 6.302-5(b)(4) through (7), when acquiring religious-related services to be performed on a U.S. military installation. In addition, when such acquisitions are set aside for any of the small business concerns identified in FAR 19.000(a)(3), the contracting officer shall include the attached provision at 252.219-7998, Inclusion of Nonprofit Organizations (DEVIATION 2016-O0010), in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items.

This class deviation remains in effect until incorporated in the DFARS or otherwise rescinded. My point of contact is Ms. Lee Renna, who may be reached at 571-372-6095, or at marylee.renna.civ@mail.mil.

Claire M. Grady
Director, Defense Procurement
and Acquisition Policy

Attachments:
As stated

252.219-7998 Inclusion of Nonprofit Organizations. (DEVIATION 2016-00010)

Use the following provision in solicitations for the acquisition of religious-related services to be performed on a U.S. military installation, including solicitations for the acquisition of commercial items under FAR part 12, when the solicitation is set aside for any of the small business concerns identified in FAR 19.000(a)(3):

**Inclusion of Nonprofit Organizations
(DEVIATION 2016-00010)(OCT 2016)**

(a) Definition. “Nonprofit organization,” as used in this provision, means any organization that is—

- (1) Described in section 501(c) of the Internal Revenue Code of 1986; and
- (2) Exempt from tax under section 501(a) of that Code.

(b) A nonprofit organization is not precluded from competing for a contract for religious-related services to be performed on a United States military installation, notwithstanding that a nonprofit organization is not a small business concern as identified in FAR 19.000(a)(3).

(c) If the apparently successful offeror has not represented in its offer or quotation that it is one of the small business concerns identified in FAR 19.000(a)(3), as appropriate to the solicitation, the Contracting Officer will verify that the offeror is registered in the System for Award Management (SAM) database as a nonprofit organization.

(End of provision)