



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
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PAR 25 2002

MEMORANDUM FOR DIRECTOR, DEFENSE ACQUISITION REGULATION
COUNCIL

SUBJECT: Defense Federal Acquisition Regulation Supplement Case 2000-023,
Enterprise Software Agreements

We have reviewed the proposed amendment to the Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 208.74 concerning the use of DoD Enterprise Software Agreements. We generally agree with the proposed language in the subject DFARS case but have provided some suggested changes in the attachment.

Our suggested changes will clarify the acquisition process, maintain consistency in the use of language within the subpart, and add relevant language as stated in the DoD Chief Information Officer Guidance and Policy Memorandum No. 12-8430, July 26, 2000, "Acquiring Commercially Available Software".

Thank you for the opportunity to comment on the proposed revisions. If you have any questions, please contact Ms. Patricia Bartron at (703) 604-8753 or pbartron@dodig.osd.mil.

David K. Steensma

David K. Steensma
Acting Assistant Inspector General
for Auditing

Attachment

**OFFICE OF THE INSPECTOR GENERAL, DOD
COMMENTS ON PROPOSED DFARS CASE 2000-023**

We are suggesting the following changes to the proposed language at Defense Federal Acquisition Regulation Subpart 208.7403. Additions are underlined and deletions lined through.

Subpart 208.7403 (a):

Recommendation: Revise the paragraph to as follows:

Contracting officer or requiring officials must obtain commercial software rights or . . . and reimburse the SPM before proceeding . . .

Justification: The addition of the words “Contracting officer or” is consistent with the language in the subsequent paragraphs. The requirement to reimburse the SPM is consistent with the DoD Chief Information Officer Guidance and Policy Memorandum No. 12-8430, July 26, 2000, “Acquiring Commercially Available Software,” section 6.2.1 and 4.5.

Subpart 208.7403 (b):

Recommendation: Revise the paragraph as follows:

If the required software is not in the DoD inventory, ~~or not on an ESA, the contracting officer or requiring official may fulfill the requirement by other means. Existing ESAs are listed on the ESI website.~~ but is available from an ESA, the contracting officer or requiring official must review the pricing and terms and conditions on the ESA.

Justification: It may be premature to state that the contracting officer or requiring official may fulfill the need by *other means* before determining if other means are available from an ESA.

Subpart 208.7403(c):

Recommendation: Delete the paragraph and renumber the remaining paragraphs accordingly.

Justification: The provision is incorporated into paragraph (b)

Subpart 208.7403(e)(3):

Recommendation: Add the following sentence at the end of the paragraph: The waiver request will document the rationale for using an alternate source and provide these reasons to the SPM and ESI Working Group member (or Component ESI representative, if there is no Working Group member).

Justification: The language is consistent with the requirement stated in the DoD Chief Information Officer Guidance and Policy Memorandum No. 12-8430, July 26, 2000, “Acquiring Commercially Available Software,” section 6.2.3.3