



February 14, 2005

Defense Acquisition Regulations Council  
OUSD(AT&L)DPAP(DAR)  
IMD 3C132  
3062 Defense Pentagon  
Washington, D.C. 20301-3062

ATTN: Ms. Robin Schulze

RE: DFARS Case 2003-DO97/2004-DO23 – Defense Acquisition Regulation  
Supplement: Contract Period for Task and Delivery Order Contracts

Dear Ms. Schulze:

The Contract Services Association (CSA) appreciates this opportunity to respond to the Federal Register notice relating to the Defense Acquisition Regulation Supplement: Contract Period for Task or Delivery Order Contracts (Federal Register, Vol. 69, No. 240, December 15, 2004).

By way of background, CSA is the nation's oldest and largest association of service contractors representing over 200 companies that provide a wide array of services to Federal, state, and local governments. CSA members do over \$40 billion in Government contracts and employ nearly 500,000 workers, with two-thirds of those employees being members of private sector employee unions. CSA members represent the diversity of the government services industry and include small businesses, 8(a)-certified companies, small disadvantaged businesses, women-owned, HubZone, Native American owned firms and global multi-billion dollar corporations. CSA promotes Excellence in Contracting by offering significant professional development opportunities for government contractors and government employees, including the only program manager certification program for service contractors.

As with the majority of our industry colleagues, we believe that the use of multiple award contracts for acquiring services is a very important component of the Federal procurement system. When used properly, these contracts allow agencies to buy up-to-date technical capability and solutions quickly and at fair prices. This benefit was specifically recognized in the 1994 Federal Acquisition Streamlining Act ("FASA"), which made multiple award contracts the preferred method of task and delivery order contracting.

CSA commends the Defense Acquisition Regulation (DFAR) Council for expeditiously publishing this interim rule, which implements Section 813 of the FY05 National Defense

Authorization Act (P.L. 108-375). This section clarifies the contract period for task or delivery order contracts by amending 10 U.S.C. 2304a to permit a total period of up to 10 years, which may be extended if the head of the agency determines in writing that exceptional circumstances require a longer contract period.

We believe that by publishing this interim rule, effective upon publication (December 15, 2004), within 60 days of enactment of P.L. 108-375, the DFARS council has acted to ensure that problems encountered with implementation of Section 843 do not recur. For example, some military departments began immediately to execute the limitation before the effective date of the rule (March 23, 2004). Others began extending its applications to other types of contracts. Lack of uniformity among the military departments in implementing Section 843 created some confusion for Government service contractors with existing contracts that were being modified or had contracts with options that were being exercised (and that were thus being modified).

Fortunately, the DFARS Council has made it clear in this rule that neither Section 843 nor Section 813 are retroactive, although the contracting officers may exercise existing options and may modify existing contracts to allow options or otherwise extend the ordering period up to 10 years. CSA agrees with this provision.

The interim rule states that it does not apply to contracts, including task or delivery contracts, awarded under other statutory authority. This is an important clarification since many CSA members, after enactment of Section 843 (though prior to implementation of the rule), found that some military departments were applying the restrictions of Section 843 to entire contracts, if a portion (however small) of that contract contained a task or delivery order provision. Therefore, the interim rule implementing Section 813 should resolve that confusion.

In sum, CSA applauds the DFARS Council for its expeditious implementation of Section 813 related to the contract periods for task or delivery order contracts.

Sincerely,

A handwritten signature in black ink that reads "Chris Jahn". The signature is written in a cursive, flowing style.

Chris Jahn  
President

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