



DEPARTMENT OF THE NAVY  
OFFICE OF THE ASSISTANT SECRETARY  
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MEMORANDUM FOR DISTRIBUTION

**Subj:** EXTENSION TO CLASS **DEVIATION--CONTRACTING** WITH NORTH ATLANTIC TREATY ORGANIZATION (NATO) AND NON-NATO COUNTRIES

**Encl:** (1) OUSD DP (DAR) memo of 31 Jan 96; **same subject**

Enclosure (1), which extends the subject class deviation, is forwarded for immediate implementation. It has been approved for a one-year period ending January 31, 1997, or until the **DFARS** is revised, whichever occurs first. Please ensure it gets widespread distribution.

*Elliott B. Branch*

Elliott B. Branch  
Executive Director  
Acquisition & Business  
Management

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ACQUISITION AND TECHNOLOGY

DP (DAR)

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON  
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January 31, 1996

In reply refer to",  
DAR Tracking Number 96,-00001

MEMORANDUM FOR DIRECTORS OF DEFENSE AGENCIES  
DEPUTY FOR ACQUISITION AND BUSINESS MANAGEMENT  
ASN (RD&A) /ABM  
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE  
(CONTRACTING) , SAF/AQC  
DIRECTOR , PROCUREMENT POLICY, ASA(RD&A) /SARD-PP  
DEPUTY DIRECTOR (ACQUISITION) , DEFENSE LOGISTICS AGENCY

SUBJECT : Extension to Class Deviation--Contracting with North Atlantic Treaty Organization, (NATO) and Non-NATO Countries

I extend the authority for all military departments and defense agencies to deviate from Federal Acquisition Regulation (FAR) and Defense FAR Supplement ( DFARS ) clauses, except those clauses based upon requirements of law, for contracts made by contracting activities outside the United States for the acquisition of support services and incidental supplies, and construction. This class deviation is limited to contracts:

(1) between the Government of the "United States and other NATO governments; or

(2) between the Government of the United States and any government not a member of NATO from which the Department of Defense can acquire logistical support, supplies, and services under section 2341 of title 10, United States Code. It includes countries that--

(a) have a defense alliance with the United States;

(b) permit the stationing of members of the armed forces in such country or the homeporting of naval vessels" of the United States in such country;

(c) have agreed to preposition materiel of the United States in such country; or

ENCLOSURE(1)



(d) serve as **the host** country to military **exercis**es which include elements of the armed forces. or **permits other** military operations by the armed **forces** in such **country**.

This deviation authority shall be exercised only **if the NATO and non-NATO** governments referred to above **will not** agree to the standard clauses.

This deviation applies only to **contract** clauses and **does** not extend to internal or **administrative contracting procedures** prescribed by the **FAR or DFARS**. In exercising this' deviation authority, the contracting officer, in close coordination **with legal counsel**, shall incorporate clauses into the contract **that** protect the **interests** of the United States and are acceptable **to both governments**.

This class deviation is approved **for a one-year period** ending January 31, 1997, or until the **DFARS is revised**, whichever event occurs first.



Eleanor R. Spector  
Director of **Defense** Procurement