



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
ACQUISITION LOGISTICS AND TECHNOLOGY
103 ARMY PENTAGON
WASHINGTON DC 20310-0103

17 NOV 2003

SAAL-PP

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Class Deviation to the Defense Federal Acquisition Regulation Supplement (DFARS) Regarding Sale and Exchange of Nonexcess Personal Property--2004-DEV-01

I hereby grant an Army-wide deviation to DFARS Subpart 217.70, Exchange of Personal Property, and DFARS provision 252.217-7002, Offering Property for Exchange. This deviation extends the same action taken previously as 01-DEV-01, expiring September 30, 2003.

Pursuant to this deviation, Army contracting activities are permitted to use the procedures described in the subparts above for the sale, as well as the exchange, of nonexcess personal property. This deviation implements the authority of Title 40, United States Code, Section 503; Title 41, Code of Federal Regulations (C.F.R.), Part 102-39; Department of Defense (DoD) 4140.1-R, the Department of Defense Supply Chain Materiel Management Regulation, dated May 23, 2003, at subparagraph C9.5; and Army Regulation 725-1, Special Authorization and Procedures for Issues, Sales, and Loans, dated January 21, 2003, at Chapter 7. Expanding DFARS Subparts 217.70 and 252.217-7002 authority to sell is congruent with DoD 4140.1-R, which has been expanded to include the authority to sell non excess personal property. The DFARS solicitation provision 252.217-7002 will also include sales provisions from 41 CFR Sections 102-39.65 and 102-39.70.

This is a deviation within the definition of Federal Acquisition Regulation (FAR) 1.401(c) and DFARS Subpart 201.404(b)(ii). This deviation will not have a significant effect beyond the internal operating procedures of the Army or a significant cost or administrative impact on offerors or contractors. Exchange/sale authority permits the Army to reduce the need for additional funding for acquiring replacement personal property. When the Army has personal property to replace, it can exchange or sell that property and apply the exchange allowance or sales proceeds to acquire similar property. The amounts and types of nonexcess personal property eligible for exchange under DFARS 217-7002 will also be eligible for sale. This deviation significantly increases the opportunity to use the exchange/sale authority. Without this alternative, Army elements would program for full funding of replacement property, report the replaced property as excess and send sales proceeds to the miscellaneous receipts account of the U.S. Treasury.

This deviation is available for use until September 30, 2005, or until the DFARS is appropriately amended. Its assigned deviation number, 2004-DEV-01, will be referenced in all actions taken pursuant to its authority. The deviation will not be published for public comment in the Federal Register since it is not expected to have a significant cost or administrative impact on offerors or contractors.


Claude M. Bolton, Jr.
Assistant Secretary of the Army
(Acquisition, Logistics and Technology)

DISTRIBUTION:

COMMANDERS:

- U.S. Army Materiel Command, ATTN: AMCCG, 5001 Eisenhower Avenue,
Alexandria, VA 22333-0001
- U.S. Army Forces Command, ATTN: AFCG, Fort McPherson, GA 30330-6000
- U.S. Army Training and Doctrine Command, ATTN: ATCG, Fort Monroe,
VA 23651-5000
- U.S. Army Europe and 7th Army, ATTN: AEACC, APO AE 09014-0100
- U.S. Army Special Operations Command (Airborne), ATTN: AOCG, Fort Bragg,
NC 28307-5200
- U.S. Army Medical Command, ATTN: MCCG, Fort Sam Houston,
TX 78234-6000
- U.S. Army Space and Strategic Defense Command, ATTN: CSSD-ZB,
Arlington, VA 22215
- U.S. Army Military District of Washington, Fort Lesley J. McNair, ATTN: ANCG,
Washington, D.C. 20319-5050
- U.S. Army, Pacific, ATTN: APCG, Fort Shafter, HI 96858-5100
- U.S. Army Intelligence and Security Command, ATTN: IACG, Fort Belvoir,
VA 22060-5270
- U.S. Army Military Traffic Management Command, ATTN: MTCG, Hoffman
Building II, 200 Stovall Street, Alexandria, VA 22332-5000
- U.S. Army South, ATTN: SOCG, Fort Buchanan, PR 00934
- Eighth U.S. Army, Unit 15236, APO AP 96205-0009
- U.S. Army Corps of Engineers, ATTN: CECG, 441 G Street, N.W., Washington,
D.C. 20314-1000
- Defense Supply Service-Washington, 5200 Army Pentagon, Washington,
D.C. 20310-5200