



DEFENSE SECURITY COOPERATION AGENCY

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DEC 22 2009

MEMORANDUM FOR DEPUTY UNDER SECRETARY OF THE AIR FORCE
INTERNATIONAL AFFAIRS
DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR
DEFENSE EXPORTS AND COOPERATION
DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR
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MARKETING SERVICE
DIRECTOR, DEFENSE THREAT REDUCTION AGENCY
DIRECTOR, NATIONAL GEOSPATIAL-INTELLIGENCE
AGENCY
DEPUTY DIRECTOR FOR INFORMATION ASSURANCE,
NATIONAL SECURITY AGENCY

SUBJECT: Foreign Military Sales (FMS) Customer Participation in the DoD Contracting
Process, DSCA Policy 09-60

In 2002, the Security Cooperation Community led the effort for customer participation and acquisition transparency in DoD contracts awarded on behalf of Foreign Military Sales (FMS) customers. We successfully sponsored the November 22, 2002, Defense Federal Acquisition Regulation Supplement (DFARS) amendment that provided authorization for FMS customers to participate in specifications development, delivery schedule development, identification of warranties, and other contractual requirements unique to the customer.

The DFARS change encourages customer participation in both the acquisition process and discussions with industry. Customers also are allowed to participate in the contract negotiation process within the limitations of the section, to the degree authorized

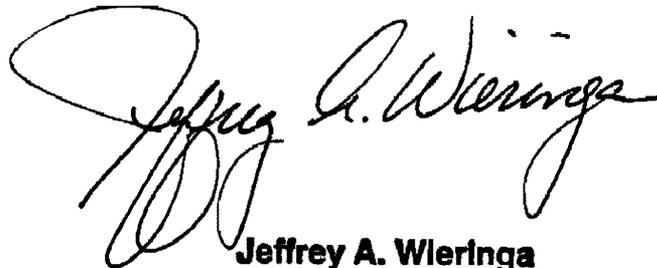


by the contracting officer (CO). The section specifically protects against unauthorized release of proprietary data and improper influence on the contracting process.

Transparency and cooperation build customer confidence and teamwork. Early dialog with customers on specifications, schedules, and unique requirements, strengthens acquisition planning and provides specificity for scope development. Frank discussion of alternatives and options increases customer confidence in the decision process. Responsible inclusion in negotiations invests our customers with a sense of ownership of the process.

The DFARS empowers the CO to determine the degree of customer participation in the acquisition process. Further it requires the CO to provide the customer an explanation if, and how, its participation will be limited.

We have customers who are interested in actively participating in FMS acquisitions, but believe they are being summarily shut out of the process. I request that you encourage each of your acquisition communities to take up the spirit of DFARS 225.7304 and actively seek opportunities for customer participation in DoD acquisitions for FMS.



Jeffrey A. Wieringa
Vice Admiral, USN
Director

cc:
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