



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

SAAL-PA

JAN --8 2010

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Data Management, Technical Data Rights, and Competition

1. References:

a. Memorandum, SAAL-PA, 1 April 2008, subject: Data Management and Technical Data Rights, Enclosure 1.

b. Department of Defense Directive (DoDD) 5000.1, The Defense Acquisition System, 12 May 2003, enclosure 1, paragraph E1.1.13, Competition.

c. Memorandum, Under Secretary of Defense (Acquisition, Technology and Logistics) (USD(AT&L)), 19 July, 2007, subject: Data Management and Technical Data Rights, Enclosure 2. This memorandum has been incorporated into the Department of Defense Instruction (DoDI) 5000.02, Operation of the Defense Acquisition System, dated December 2008.

d. Memorandum, The White House Office of the Press Secretary, 4 March 2009, subject: Government Contracting.

e. Public Law 111-23, 22 May 2009, subject: Weapon Systems Acquisition Reform Act of 2009.

f. Memorandum, Office of Management and Budget, 29 July 2009, subject: Improving Government Acquisition.

g. Memorandum, Under Secretary of Defense (Acquisition, Technology and Logistics), 14 September 2009, subject: Competition in Department of Defense Acquisition.

2. This memorandum reissues, and expands upon, the referenced policy memoranda. Program Executive Officers (PEOs), Direct Reporting Program Managers (DRPMs), and Program Managers (PMs) of acquisition category (ACAT) I and II programs, shall prepare and submit a Data Management Strategy (DMS) as part of their acquisition strategy (AS). The PEOs, DRPMs, and PMs of ACAT III programs are encouraged to comply with this same policy.

SAAL-PA

SUBJECT: Data Management, Technical Data Rights, and Competition

3. The President of the United States, Office of Management and Budget, Congress, and the USD(AT&L) have all called for increased competition, see references d-g. The DMS is the key to developing competitive acquisition and support alternatives.

4. Under present law and contract clauses, the costs for data rights are priced in at award and do not vary significantly with the amount or type of data to be delivered. With each contract, the assertions to rights in data must be solicited, reviewed and challenged. The PEOs, DRPMS, and PMs shall leverage the automatic or standard data rights provided in the Defense Federal Acquisition Regulation Supplement and Title 10 of the United States Code by challenging invalid data assertions and unjustified data delivery costs.

5. The initial Government position on the rights in data issues or disagreements and the proposed resolutions should be established prior to contract award. Acquisition strategies, acquisition plans, and justifications and approvals for products or services submitted for approval more than 60 days after the date of this memorandum shall include a firm program management office schedule to accomplish both rights in data resolutions and data deliveries. For awards less than 60 days after the date of this memorandum, the Government position will be established not later than six months after award.

6. Point of contact is Dr. Roger D. Hamerlinck, commercial (703) 604-7012, DSN 664-7012, or e-mail: roger.dale.hamerlinck@us.army.mil.



Dean G. Popps
Army Acquisitive Executive

Encls

DISTRIBUTION:

ASSISTANT SECRETARY OF THE ARMY (ACQUISITION, LOGISTICS AND TECHNOLOGY) (SAAL-ZC, SAAL-ZR, SAAL-ZS, SAAL-ZP, SAAL-ZT, SAAL-ZN, SAAL-ZG, SAAL-ZL)

DEPUTY CHIEF OF STAFF, G-3/5/7

DEPUTY CHIEF OF STAFF, G-4

CHIEF, INFORMATION OFFICER/G-6

DEPUTY CHIEF OF STAFF, G-8

(CONT)

SAAL-PA

SUBJECT: Data Management, Technical Data Rights, and Competition

DISTRIBUTION: CONT

PROGRAM EXECUTIVE OFFICERS:

AMMUNITION

AVIATION

COMBAT SUPPORT AND COMBAT SERVICE SUPPORT

COMMAND, CONTROL AND COMMUNICATIONS (TACTICAL)

ENTERPRISE INFORMATION SYSTEMS

GROUND COMBAT SYSTEMS

INTEGRATION

INTELLIGENCE, ELECTRONIC WARFARE AND SENSORS

MISSILES AND SPACE

SIMULATION, TRAINING AND INSTRUMENTATION

SOLDIER

DIRECT-REPORTING PROGRAM MANAGERS:

ELIMINATION OF CHEMICAL WEAPONS

JOINT PROGRAM EXECUTIVE OFFICER JOINT TACTICAL RADIO SYSTEM

JOINT PROGRAM EXECUTIVE OFFICER FOR CHEMICAL AND BIOLOGICAL
DEFENSE

DIRECTORS:

MISSILE DEFENSE AGENCY

U.S. ARMY ACQUISITION SUPPORT CENTER

U.S. ARMY TEST AND EVALUATION MANAGEMENT AGENCY

U.S. ARMY CHEMICAL MATERIALS AGENCY

U.S. ARMY CONTRACTING COMMAND

COMMANDERS:

U.S. ARMY TEST AND EVALUATION COMMAND

U.S. ARMY CORPS OF ENGINEERS

U.S. ARMY SPACE AND MISSILE DEFENSE COMMAND

U.S. ARMY MATERIEL COMMAND

U.S. ARMY RESEARCH DEVELOPMENT AND ENGINEERING COMMAND

U.S. ARMY TACOM LIFE CYCLE MANAGEMENT COMMAND

U.S. ARMY COMMUNICATIONS-ELECTRONICS LIFE CYCLE MANAGEMENT
COMMAND

U.S. ARMY AMCOM LIFE CYCLE MANAGEMENT COMMAND

U.S. ARMY SUSTAINMENT COMMAND

U.S. ARMY JOINT MUNITIONS AND LETHALITY LIFE CYCLE MANAGEMENT
COMMAND

U.S. ARMY SECURITY ASSISTANCE COMMAND

(CONT)

SAAL-PA

SUBJECT: Data Management, Technical Data Rights, and Competition

DISTRIBUTION: CONT

PRINCIPAL ASSISTANTS RESPONSIBLE FOR PROCUREMENT (PARCS):

U.S. ARMY AVIATION AND MISSILE LIFE CYCLE MANAGEMENT COMMAND

U.S. ARMY COMMUNICATIONS-ELECTRONICS LIFE CYCLE MANAGEMENT
COMMAND

U.S. ARMY CONTRACTING COMMAND, EXPEDITIONARY CONTRACTING
COMMAND, 408th CONTRACTING SUPPORT BRIGADE

U.S. ARMY CONTRACTING COMMAND, EXPEDITIONARY CONTRACTING
COMMAND, 409th CONTRACTING SUPPORT BRIGADE

U.S. ARMY CONTRACTING COMMAND, EXPEDITIONARY CONTRACTING
COMMAND, 410th CONTRACTING SUPPORT BRIGADE

U.S. ARMY CONTRACTING COMMAND, EXPEDITIONARY CONTRACTING
COMMAND, 411th CONTRACTING SUPPORT BRIGADE

U.S. ARMY CONTRACTING COMMAND, EXPEDITIONARY CONTRACTING
COMMAND, 412th CONTRACTING SUPPORT BRIGADE

U.S. ARMY CONTRACTING COMMAND, EXPEDITIONARY CONTRACTING
COMMAND, 413th CONTRACTING SUPPORT BRIGADE

U.S. ARMY CONTRACTING COMMAND, OFFICE OF THE PROGRAM
MANAGER, SAUDI ARABIAN NATIONAL GUARD

U.S. ARMY CONTRACTING COMMAND, MISSION AND INSTALLATION
CONTRACTING COMMAND

U.S. ARMY CONTRACTING COMMAND, NATIONAL CAPITAL REGION
CONTRACTING CENTER

U.S. ARMY CORPS OF ENGINEERS, HEADQUARTERS

U.S. ARMY CORPS OF ENGINEERS, ATLANTA

U.S. ARMY CORPS OF ENGINEERS, DALLAS

U.S. ARMY CORPS OF ENGINEERS, WINCHESTER

U.S. ARMY INTELLIGENCE AND SECURITY COMMAND

U.S. ARMY JOINT MUNITIONS AND LETHALITY LIFE CYCLE MANAGEMENT
COMMAND

U.S. ARMY MEDICAL COMMAND

U.S. ARMY MEDICAL RESEARCH AND MATERIEL COMMAND

U.S. ARMY PROGRAM EXECUTIVE OFFICE FOR SIMULATION, TRAINING, AND
INSTRUMENTATION

U.S. ARMY RESEARCH, DEVELOPMENT AND ENGINEERING COMMAND

U.S. ARMY SPACE AND MISSILE DEFENSE COMMAND

U.S. ARMY SUSTAINMENT COMMAND

U.S. ARMY TANK-AUTOMOTIVE AND ARMAMENTS LIFE CYCLE MANAGEMENT
COMMAND

JOINT CONTRACTING COMMAND, IRAQ/AFGHANISTAN, PARC-AFGHANISTAN
(CONT)

SAAL-PA

SUBJECT: Data Management, Technical Data Rights, and Competition

DISTRIBUTION: CONT

JOINT CONTRACTING COMMAND, IRAQ/AFGHANISTAN, PARC-IRAQ

MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND

NATIONAL GUARD BUREAU JOINT CONTRACTING COMMAND

CF:

ASSISTANT SECRETARY OF THE ARMY (FINANCIAL MANAGEMENT AND
COMPTROLLER) (w/encls)

ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND RESERVE
AFFAIRS) (w/encls)

ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT
(w/encls)

U.S. ARMY MATERIEL COMMAND, (AMCOPS-EI) (w/encls)