



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

November 8, 2017
DARS Tracking number 2018-O0001

MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION AND PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Additional Special Emergency Procurement Authority—Delegation to Head of Contracting Activity

Effective immediately, for DoD acquisitions of supplies and services funded by DoD appropriations, contracting officers shall use the special emergency procurement authorities as set forth in the procedures provided in the attachment to this class deviation from the DFARS. This class deviation delegates to the head of the contracting activity the decision authorities provided to the head of the agency by the class deviation from the FAR, 2017-O0007, Special Emergency Procurement Authority. Class deviation 2017-O0007 implemented 41 U.S.C. 1903, as amended by sections 816 and 1641 of the National Defense Authorization Act for Fiscal Year 2017. This deviation also expands nonstatutory emergency acquisition flexibilities relating to item unique identification, receipt of only one offer, and limitations on time-and-materials contracts to include contracts that facilitate defense against or recovery from cyber attack, facilitate the provision of international disaster assistance, or support response to an emergency or major disaster.

This deviation will remain in effect until incorporated in the DFARS or otherwise rescinded. My point of contact is Ms. Amy Williams, DPAP/DARS, at 571-372-6106 or amy.g.williams.civ@mail.mil.

Shay D. Assad,
Director, Defense Pricing/Defense
Procurement and Acquisition Policy

Attachment:
As stated

SUBPART 211—DESCRIBING AGENCY NEEDS (DEVIATION 2017-O0001)

211.274-2 Policy for item unique identification. (DEVIATION 2017-O0001)

(b) *Exceptions.* The contractor will not be required to provide DoD item unique identification if—

(1) The items, as determined by the head of the contracting activity, are to be used to support a contingency operation; to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate the provision of international disaster assistance; or to support response to an emergency or major disaster; or

PART 212—ACQUISITION OF COMMERCIAL ITEMS (DEVIATION 2017-O0001)

212.102 Applicability. (DEVIATION 2017-O0001)

(f)(1) Subject to the limitations in FAR 12.102(f)(2), contracting officers may treat any acquisition of supplies or services that, as determined by the head of the contracting activity, are to be used to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack (41 U.S.C. 1903(c)).

PART 215—CONTRACTING BY NEGOTIATION (DEVIATION 2017-O0001)

215.371-4 Exceptions. (DEVIATION 2017-O0001)

(a) The requirements at sections [215.371-2](#) do not apply to—

(1) Acquisitions at or below the simplified acquisition threshold;

(2) Acquisitions in support of contingency or humanitarian or peacekeeping operations; to facilitate defense against or recovery from cyber, nuclear, biological,

chemical, or radiological attack; to facilitate the provision of international disaster assistance; or to support response to an emergency or major disaster;

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PART 216—TYPES OF CONTRACTS (DEVIATION 2017-O0001)

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216.601 Time-and-materials contracts. (DEVIATION 2017-O0001)

(d) *Limitations.*

(i)(A) *Approval of determination and findings for time-and-materials or labor-hour contracts.*

(3) *Exception.* The approval requirements in paragraphs (d)(i)(A)(1) and (2) of this section do not apply to contracts that—

(i) Support contingency or humanitarian or peacekeeping operations;

(ii) Facilitate defense against or recovery from conventional, cyber, nuclear, biological, chemical, or radiological attack;

(iii) Facilitate the provision of international disaster assistance;
or

(iv) Support response to an emergency or major disaster.

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PART 218—EMERGENCY ACQUISITIONS (DEVIATION 2017-O0001)

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SUBPART 218.2—EMERGENCY ACQUISITION FLEXIBILITIES (DEVIATION 2017-O0001)

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218.201 Contingency operation.(DEVIATION 2017-O0001)

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(2) *Policy for item unique identification.* Contractors will not be required to provide DoD item unique identification if the items, as determined by the head of

the contracting activity, are to be used to support a contingency operation. See [211.274-2\(b\)](#).

218.202 Defense or recovery from certain events. (DEVIATION 2017-O0001)

Policy for unique item identification. Contractors will not be required to provide DoD unique item identification if the items, as determined by the head of the contracting activity, are to be used to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate provision of international disaster assistance; or to support response to an emergency or major disaster. See [211.274-2\(b\)](#).

218.271 Head of contracting activity determinations. (DEVIATION 2017-O0001)

The term “head of the agency” is replaced with “head of the contracting activity,” as defined in FAR 2.101, in the following locations:

- (a) FAR 2.101: (CLASS DEVIATION 2017-O0007)
 - (1) Definition of “Micro-purchase threshold.”
 - (2) Definition of “Simplified acquisition threshold.”
- (b) 12.102(f).
- (c) FAR 13.201(g).
- (d) FAR 13.500(c). (CLASS DEVIATION 2017-O0007)
- (e) FAR subpart 18.2.
