MEMORANDUM FOR ALL GSA CONTRACTING ACTIVITIES

FROM: JOSEPH A. NEURAUER
SENIOR PROCUREMENT EXECUTIVE
DIRECTOR, OFFICE OF ACQUISITION POLICY (MV)

SUBJECT: Requirements for preparation of Class Deviations to the GSAM

1. Purpose. This Acquisition Letter describes mandatory requirements for the preparation of Class Deviations to the GSAM, which must be forwarded to the Senior Procurement Executive (SPE) for approval in accordance with GSAM 501.404(a)(2), via the appropriate Head of Contracting Activity (HCA). In contrast, Individual Deviations are approvable at the HCA level; nevertheless our office strongly recommends that the procedures below are also followed for those Deviations.

2. Instructions and Procedures.

   a. Starting Out. Prior to developing a Class Deviation package, the Requestor should contact the General Services Acquisition Policy Division. A Subject Matter Expert (SME) in the Division will provide guidance from the start, although he or she will not write the Deviation for the Requestor. It is possible that the Class Deviation is already covered by a Proposed Rule, and the SME can also advise the Requestor of that.

   b. Problem Statement. Include in the package a clear problem statement, noting the GSAM coverage in question and describing the factual and/or legal reasons for the change to a new procedure. Do not include additional areas of concern that are not related to the specific problem.

   c. Evidence-Based Justifications. Deviations that do not provide conclusive evidence for approval will be returned to the Requestor. It is not sufficient to state that a change is desirable, or will likely ease a burden on the office.
The justification must include concrete examples of past history under the current policy, with a description of the effect on the organization; the proposed advantages of the new policy; and a current cost/benefit analysis based, for example, on market conditions/industry trends. Other information that must be addressed include:

- The name, organization and role of the team members preparing the Deviation request.
- Number of affected contracts affected in the most previous fiscal year.
- Effect on the agency, or Contracting Officers and the acquisition team (costs/benefits).
- Effect on contractors (costs/benefits), including:
  - Number of contractors affected.
  - Number of small businesses affected.
  - Impact on small businesses (positive or negative).
- Potential impact on another Service.
- Opportunities for efficiency under the proposed Deviation.
- Analysis of alternatives, identifying risks and risk mitigation.
- Any effects on automated systems (i.e., financial and procurement).
- Proposed milestones for initiation, including training.
- Approach to monitoring success and determining whether or not the Deviation will continue.
- Any Federal Strategic Sourcing Initiative team interaction or recommendation should be provided in order to support the overall strategic sourcing goals being sought.

If any of these do not apply to the Deviation, note “N/A” and briefly explain.

If the Deviation affects a newly proposed solicitation, a copy of the Acquisition Plan must be provided along with a copy of the proposed solicitation. The Acquisition Plan, in addition to addressing all of the elements of FAR Part 7 and GSAR Subpart 507.1, should identify the tangible value that will be realized by release of the solicitation.

d. Legal Sufficiency Statement. Before submitting the package, the Requestor's Legal Counsel must acknowledge that the request is legally sufficient. This should be a distinct attachment. Note that a legal sufficiency statement indicates there is no legal barrier to proceeding. It does not mean that the Requestor's proposed solution is the best business decision; that will depend upon the evidence-based justification.

e. Recommended Language. The package must include a copy of the existing
GSAM coverage, conformed to show the proposed additions and deletions. (Use strikethrough to indicate language deleted, and insert proposed language surrounded by brackets in italicized font at the appropriate locations.) This recommended language should be an attachment to the package.

f. **SPE review.** The SPE will review the Deviation request for policy and strategic fitness, and may choose to seek further legal advice and/or support from the General Services Acquisition Policy Division. The SPE may also ask the Requestor for additional explanation or documentation. Following this, the Deviation will either be returned to the Requestor's office unapproved, or a signed approval will be provided.

g. **Duration of approved Class Deviations.** An approved Class Deviation will expire in twelve months, unless extended. Class Deviations may also be rescinded without prejudice to any action taken previously (reference GSAM 501.404(e)).

h. **Permanent Revisions to the GSAM.** Where a permanent change to the regulation is considered desirable, the HCA should propose this instead of, or following the issuance of, a Class Deviation. The justification burdens are the same as shown above.

3. **Effective Date.** Upon signature.

4. **Applicability.** This Acquisition Letter applies to all GSA contracting activities.

5. **Termination Date.** This Acquisition Letter remains in effect until incorporated into the GSAM, or otherwise terminated.

6. **Point of Contact.** Please contact Ms. Deborah Eble, Procurement Analyst, General Services Acquisition Policy Division, at (215) 446-5823.