



GSA Office of the Chief Acquisition Officer

22 MAY 2009

GSA Acquisition Letter V-09-04

MEMORANDUM FOR ALL GSA CONTRACTING ACTIVITIES

FROM: DAVID A. DRABKIN 
ACTING CHIEF ACQUISITION OFFICER
OFFICE OF THE CHIEF ACQUISITION OFFICER

SUBJECT: Federal Acquisition Regulation Class Deviation – Federal Acquisition Regulation (FAR) 19.804-2(b)(1)

1. Purpose. This Acquisition Letter provides guidance for implementing the attached class deviation to the Federal Acquisition Regulation (FAR) that I approved on May 18, 2009.

2. Background. The class deviation is applicable to Federal Acquisition Regulation (FAR) 19.804-2(b)(1), under Subpart 19.804-2, "Agency offering" which pertains to sole source 8(a) construction requirements. The current FAR language at 19.804-2(b)(1) does not comply with the Small Business Administration (SBA) Regulation 124.502(b)(3). Until such time as the FAR is amended to correct 19.804-2(b)(1) to coincide with the SBA regulation, the class deviation allows contracting officers to follow the SBA regulation.

FAR (19.804-2(b)(1)) states "An agency offering a construction requirement should submit it to the SBA District Office for the geographical area where the work is to be performed." However, the SBA regulation (124.502(b)(3)) states that contracting officers must submit offering letters "For sole source requirements offered on behalf of a specific Participant, to the SBA district office servicing that concern."

3. Effective Date. Upon signature.

4. Termination Date. This Acquisition Letter will expire once the language at 19.804-2(b)(1) is amended in the FAR to coincide with the SBA regulation at 124.502(b)(3).

5. Applicability. This Acquisition Letter applies to all 8(a) sole source construction requirements exceeding the micro-purchase threshold.

6. Reference to Regulations. FAR Part 19.

7. Instructions/procedures.

For 8(a) sole source construction requirements, contracting officers are required to submit offering letters offered on behalf of a specific Participant, to the SBA district office servicing that concern.

Attachment



MAY 18 2009

MEMORANDUM FOR DAVID A. DRABKIN
SENIOR PROCUREMENT EXECUTIVE
OFFICE OF THE CHIEF ACQUISITION OFFICER

FROM: *Edward Loeb*
EDWARD LOEB
ACTING DIRECTOR
OFFICE OF ACQUISITION POLICY

SUBJECT: Request for Class Deviation

In accordance with the General Services Administration Acquisition Manual (GSAM) Subpart 501.404, I request your approval of a class deviation from Federal Acquisition Regulation (FAR) 19.804-2(b)(1). This deviation is necessary to comply with the Small Business Administration (SBA) Regulation 124.502(b)(3) until such time as the FAR is amended to correct 19.804-2(b)(1).

FAR (19.804-2(b)(1)) states "An agency offering a construction requirement should submit it to the SBA District Office for the geographical area where the work is to be performed." However, the SBA regulation (124.502(b)(3)) states that contracting officers must submit offering letters "For sole source requirements offered on behalf of a specific Participant, to the SBA district office servicing that concern."

In my capacity as Acting Chairman of the Civilian Agency Acquisition Council (CAAC) my signature on this memorandum constitutes coordination with the CAAC pursuant to Federal Acquisition Regulation (FAR) 1.404(a).

Approved:

David A. Drabkin
Acting Chief Acquisition Officer
Senior Procurement Executive
Office of the Chief Acquisition Officer

05-18-09
Date