GSA

GSA Office of Governmentwide Policy

AUG 9 2001

GSA Acquisition Letter MV-01-02

MEMORANDUM FOR ALL GSA CONTRACTING ACTIVITIES

FROM: DAVID A. DRABKIN 08/09/01
DEPUTY ASSOCIATE ADMINISTRATOR
FOR ACQUISITION POLICY (MV)

SUBJECT: Deviations from the FAR and GSAM

1. Purpose. This acquisition letter, issued as a supplement to General Services Acquisition Manual (GSAM) 501.4 (Deviations from the FAR and GSAR), modifies existing policy on obtaining deviations from both the Federal Acquisition Regulation (FAR) and the GSAM, and clarifies the terms "class deviation" and "contract action".

2. Background. Changes in statute and regulation have led to innovative contracting strategies and solutions addressing the diverse needs of requiring activities. Such innovative contracting approaches have sometimes necessitated deviations to the FAR or GSAM that have raised questions indicating the need to increase the involvement of the Office of Acquisition Policy. The Office of Acquisition Policy will revise the GSAM to incorporate the changes contained in this acquisition letter.

3. Effective Date.

4. Termination Date. Acquisition Letter MV-01-02 will expire one year from the effective date, unless canceled earlier or extended.

5. Reference to Regulations. FAR 1.4, Deviations from the FAR, and 501.4 Deviations from the FAR and GSAR.

6. Instructions/Procedures.

a. Individual deviations. An individual deviation affects only one contracting action.

U.S. General Services Administration
1800 F Street, NW
Washington, DC 20405-0002
www.gsa.gov

(1) The Head of the Contracting Activity (HCA) must approve an individual deviation to the FAR. The authority to grant an individual deviation may not be re-delegated. A copy of the deviation must be provided to GSA's Senior Procurement Executive (SPE).

(2) An individual deviation to the GSAM must be approved by the HCA. The authority to grant an individual deviation may be re-delegated to the Contracting Director.

b. Class deviations. A class deviation affects more than one contracting action. A deviation for any solicitation that will result in multiple awards or any solicitation under the multiple award Federal Supply Schedule program is considered to be a class deviation. Each award under such a solicitation is considered an individual contract action.

(1) A class deviation to the FAR must be forwarded by the cognizant HCA to GSA's SPE for approval. Prior to approving a class deviation to the FAR, the SPE will consult with the Chairman of the Civilian Agency Acquisition Council (CAAC) in accordance with FAR 1.404(a)(1).

(2) A class deviation to the GSAM must be forwarded by the cognizant HCA to GSA's Senior Procurement Executive (SPE) for approval.

(3) When an HCA knows that a proposed class deviation will be required on a permanent basis, the HCA should propose or recommend an appropriate FAR and/or GSAM revision.

c. Contracting action. A contracting action, for the purpose of determining whether an individual or class deviation is appropriate, has the same meaning as that used for reporting contracting actions to Federal Procurement Data System (see SF 279, block 9). A contracting action includes, but is not limited to, any of the following:

(1) Initial Letter Contract
(2) Definitive Contract Superseding Letter Contract
(3) New Definitive Contract
(4) Purchase Order/BPA Calls Using Simplified Acquisition Procedures
(5) Orders Under Single Award Indefinite Delivery Contracts
(6) Orders Under BOA
(7) Order/Modification Under Federal Schedule Contract
(8) Modification
(9) Termination for Default
(10) Termination for Convenience
(11) Order Under Multiple Award Contract
(12) Initial Load of Federal Schedule Contract