

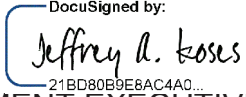


GSA Office of Government-wide Policy

1/19/2023

Acquisition Letter MV-22-03

MEMORANDUM FOR: SONNY HASHMI
COMMISSIONER
FEDERAL ACQUISITION SERVICE (Q)

FROM: JEFFREY A. KOSES 
SENIOR PROCUREMENT EXECUTIVE
OFFICE OF ACQUISITION POLICY (MV)

SUBJECT: Placing Defense Priorities and Allocations System (DPAS)
Rated Orders Under GSA Schedules Program

- 1. Purpose.** This Acquisition Letter (AL) provides guidance on placing Defense Priorities and Allocations System (DPAS) rated orders under the GSA Schedules Program to assure the timely availability of industrial resources for the placement, acceptance, and performance of priority-rated contracts and orders to support appropriate programs to promote national defense.¹ This AL also updates implementing instructions in accordance with GSAM 501.370.
- 2. Background.** On May 6, 2021, the Senior Procurement Executive (SPE) issued two Acquisition Letters: 1) MV-21-02 which limited the Federal Acquisition Service (FAS) Commissioner re-delegation authority for DPAS to the Assistant Commissioner of General Supplies and Services Categories for the Emergency Contracting Division, and the Assistant Commissioner of Travel, Transportation, & Logistics Categories and 2) MV-21-07 which provided guidance for implementing the Department of Commerce (DOC) specific DPAS priority rating authority to assist GSA with COVID-19 response activities. DOC's DPAS rating authorizations gave GSA the authority to place DPAS priority ratings on contracts or orders for telework, or emergency response equipment, and for cleaning supplies to support the COVID-19 Program.

¹ The term "national defense" means programs for military and energy production or construction, military or critical infrastructure assistance to any foreign nation, homeland security, stockpiling, space, and any directly related activity. Such term includes emergency preparedness activities conducted pursuant to title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. § 5195 et seq.] and critical infrastructure protection and restoration.

On October 8, 2021, the SPE issued Supplement 1 to MV-21-02, which broadened the FAS Commissioners re-delegation authority from two specific FAS offices to any two offices within FAS.

This AL will cancel MV-21-02 and Supplement 1 to MV-21-02 to allow for the maximum flexibility to use GSA's delegated authority (see Attachment A) by: 1) removing the limitation on the FAS Commissioners re-delegation authority in this area, 2) adopting procedures for placing DPAS rated orders using GSA Schedules Program and 3) adopting procedures for placing DPAS rated orders using contracts. The AL also cancels MV-21-07 because of GSA's ability to meet the needs of its customers without the use of the COVID-19 DPAS rating authority. DOC has rescinded GSA authority for COVID-19 only.²

3. Effective Date. This AL is effective immediately and remains in effect until the DOC rescinds the authority or it is incorporated into the GSAM.

4. Cancellation. Acquisition Letter MV-21-02 (including Supplement 1) and MV-21-07.

5. Authorities.

a. General. Executive Order (E.O.) 13603 *National Defense Resources Preparedness*, issued March 16, 2012, established resource departments to manage the DPAS, including the DOC for materials, services, and facilities.³ EO 13603 also established the Department of Homeland Security (DHS) as the responsible agency to determine program eligibility for use of DPAS to promote national defense.⁴

b. Implementation Standards. GSA receives its implementing guidance primarily from DOC and DHS Federal Emergency Management Agency (FEMA).

i. DOC issues regulations establishing DPAS procedures⁵ and designated the GSA Schedules Program (also referred to as Multiple Award Schedules and Federal Supply Schedules) as an approved program to

² See SIES Rating Authorization 20-03-01 for *Telework Emergency Response Equipment and Cleaning Suppliers for Use in Support for COVID-19 Response* and SIES Rating Authorization 20-03-02 for *IT Health Care Emergency Response Equipment in Support of COVID-19 Response and Recovery Activities*.

³ See Section 201(a), *Priorities and Allocations Authorities*.

⁴ See Section 202, *Determinations*.

⁵ See 15 CFR 700 *Defense Priorities and Allocations System*.

support DPAS (see Attachment A). Additionally, GSA may use other GSA systems, as appropriate.

- ii. FEMA issues regulations to implement standards and procedures in accordance with Section 101 of the DPA establishing the Emergency Management Priorities and Allocations System⁶.

c. Implementation Regulations. When placing rated orders, authorized activities are required to follow the FAR subpart 11.6⁷ and GSAR subpart 511.6.⁸

d. Rating Authorization. DOC's DPAS Delegation #3 (Attachment A), gives GSA authority to:

- i. Place DO priority rated contracts and orders to acquire Federal supply items.
- ii. Place DX priority rated contracts and orders.
- iii. Place DO or DX priority ratings on contracts and orders for industrial resources needed to implement any program related to food resources, energy resources, health resources, civil transportation, or water resources determined by the DOD, DOE, or DHS, as necessary or appropriate to promote the national defense and authorized priorities support by the appropriate resource agency. GSA will use the same program identification symbol as identified by the resource agency (see Attachment A).

e. Procurement Restrictions.

- i. DOC DPAS Delegation #3 shall not be used to support the procurement of any items that:
 - Are commonly available in commercial markets for general consumption;
 - Are readily available in sufficient quantity;
 - Require major modification when purchased for approved program use; or

⁶ See 44 CFR 333 *Emergency Management Priorities and Allocations System*.

⁷ See Federal Acquisition Regulation Subpart 11.6 *Priorities and Allocations*

⁸ See General Services Acquisition Regulation 48 CFR Subpart 511.6 *Priorities and Allocations*

- Are used primarily for administrative purposes, such as for personnel or financial management, including Federal Supply Classification (FSC) codes, classes, groups, or items.
- ii. All DOC Strategic Industries and Economic Security (SIES) issued authorizations must include GSA as an entity and not the name of a specific office, region, etc within GSA.

f. GSA Delegation Authority.

- i. **Senior Procurement Executive (SPE):** The GSA Administrator has delegated contracting authority to the SPE, including DPAS, and authorized the SPE to redelegate contracting authority to the services.⁹ The SPE may issue policies and procedures to monitor acquisitions that carry a DPAS priority rating, identify any allegations of DPAS violations for reporting to DOC’s Bureau of Industry and Security (BIS), quarterly reporting to the DOC/BIS on contracts assigned DPAS priority ratings and their dollar value, and sponsor agencies for Special Priorities Assistance (SPA) to DOC.
 - ii. **FAS Commissioner:** This AL serves as delegation of DPAS authority, subject to the limitations and conditions described in this memorandum, to the FAS Commissioner to place rated orders under the GSA Schedules Program for approved DOD, DOE, and DHS programs, or “resource agencies” (see Attachment A), as needed.
- g. FAS Commissioner Re-Delegation.** The FAS Commissioner can re-delegate the authority to place rated orders under the GSA Schedules Program for approved DOD, DOE, and DHS programs, or “resource agencies” (see Attachment A), as needed. The FAS Commissioner must notify the SPE of any changes to re-delegation prior to notifying the office or changing the FAS policy.
- h. Sponsorship Requests.** On July 15, 2020, as amended, DOC updated the DPAS Delegation #3 (Attachment A). Under this delegation, GSA has been granted the authority by DOC to sponsor requests for Special Authorities Assistance (SPA) in support of DOD, DOE, and DHS approved programs, limited to the GSA Schedules Program. Sponsorship for a SPA under Delegation #3 are for situations where a DPAS rating has been placed and problems (e.g. a contractor is not willing to accept a DPAS rating, refuses to ensure DPAS rated

⁹ ADM P 5450.39D

orders are receiving preferential treatment, or if there are conflicts between various rated orders) arise that DOC assistance is needed to resolve the problem. GSA contracting officers upon determining the need for the requested assistance will:

Send an email request to spe.request@gsa.gov with the subject line "Request for DPAS Special Priorities Assistance Sponsorship". The email request, should include the following information:

- Name of requesting agency or person (e.g., DOC, HHS, VA)
- Name of entity the requesting agency will support (e.g., DOD, DOE, or DHS)
- A brief synopsis of the need for the SPA and the emergency or national defense action it will support. Make sure the synopsis contains specific reasons and when possible provide supplemental data to support the request.

6. **Applicability.** This policy provides guidance for authorized FAS contracting activities placing DPAS rated orders under the GSA Schedules Program for approved DOD, DOE, and DHS programs, or "resource agencies" pursuant to DOC Delegation #3.
7. **Requirements.** Authorized activities should follow the procedures outlined in Attachment B and B1 of this AL. In addition, Attachment C includes sample contract language for reference.
8. **Reporting.** All actions taken in regards to the use of DPAS rating authority under the GSA Schedules Program must be reported on the [DPAS Reporting Tracker](#) within five days of awarding the contract.
9. **Training.** Authorized GSA contracting officers should become familiar with DPAS policies and procedures prior to placing rated orders. The following training courses are available.
 - i. [DOC DPAS Training Course](#)
 - ii. [CLC 043 Defense Priorities and Allocations System](#)
10. **Point of Contact.** Questions regarding this acquisition letter may be directed to GSARPolicy@gsa.gov.

Attachments

- Attachment A - [Department of Commerce DPAS Delegation #3](#)
- Attachment B - [Procedures for Placing DPAS Rated Orders Under GSA Schedules Program](#)
- Attachment B 1 - [Schedules DPAS Decision Tree](#)
- Attachment C - [Sample Contract Language](#)