

Emergency Acquisitions



Guiding Principles

A national emergency may result in what is considered a contingency operation, or emergency declaration resulting in the increase of buying thresholds.

The granting of waivers and exemptions, and reduced documentation for acquiring services and supplies can only be used in support of the emergency and/or contingency.

When necessary, to support a contingency situation or an emergency situation, use whatever authorities are permissible to effectively meet departmental procurement requirements.

Apply appropriate management controls to assure sound business decisions, price reasonableness and the appropriate level of documentation.

References

Federal Acquisition Regulation (FAR) Parts and Subparts

- Subpart 1.1 – Purpose, authority, Issuance
- Subpart 1.6 – Career Development, Contracting Authority and Responsibilities
- Subpart 2.1 – Definitions
- Subpart 4.11 – Central Contractor Registration
- Subpart 5.1 – Dissemination of Information
- Subpart 5.2 – Synopses of Proposed Contract Actions
- Subpart 6.2 – Full and Open Competition After Exclusion of Sources – 6.207 – Set-asides for local firms during a major disaster or emergency
- Subpart 6.3 – Other Than Full and Open Competition
- Subpart 8.4 – Federal Supply Schedules
- Subpart 7.5 – Inherently Governmental Functions
- Subpart 9.1 – Responsible Prospective Contractors
- Subpart 11.1 – Selecting and Developing Requirements Documents
- Part 12 – Acquisition of Commercial Items - Subpart 12.1 – Acquisition of Commercial Items – General and Subpart 12.2 – Special Requirements for the

Acquisition of Commercial Items

- Part 13 – Simplified Acquisition Procedures
- Subpart 13.5 – Test Program for Certain Commercial Items
- Subpart 15.2 – Solicitation and Receipt of Proposals and Information
- Subpart 15.4 – Contract Pricing – 15.404 – Proposal analysis
- Subpart 16.1 – Selecting Contract Types
- Subpart 16.2 – Fixed-Price Contracts
- Subpart 16.6 – Time-and-Materials, Labor-Hour, and Letter Contract
- Subpart 17.5 – Interagency Acquisitions
- Part 18 – Emergency Acquisitions
- Part 19 – Small Business Programs – Subpart 19.8 – Contracting with the Small Business Administration (the 8(a) program); Subpart 19.13 – Historically Underutilized Business Zone (HUBZone) Program; and Subpart 19.14 – Service-disabled Veteran-Owned Small Business Procurement Program
- Subpart 26.2 – Disaster or Emergency Assistance Activities
- Subpart 28.1 – Bonds and Other Financial Protections
- Subpart 32.11 – Electronic Funds Transfer
- Subpart 33.1 – Protests
- Subpart 42.7 – Indirect Cost Rates – 42.708 – Quick-closeout procedures
- Subpart 47.5 – Ocean Transportation by U.S. Flag Vessels

Office of Federal Procurement Policy

- Emergency Acquisitions Guide, January 2011

Department of Energy**DEAR and Acquisition Guide**

- Subpart 901.601 – Contracting Authority and Responsibilities
- Subpart 902.101 – Definitions
- Subpart 911.6 – Priorities and Allocations
- Acquisition Guide Chapter 6.1, Competition Requirements
- Acquisition Guide Chapter 13.1, Purchase Card Policy and Operating Procedures

Overview

This chapter provides guidance to DOE contracting officers (CO) who will acquire goods and services in the event of designated contingency operation, an emergency declaration, or a major disaster declaration, for example, terrorist attacks, accidents, floods, earthquakes, hurricanes, tornadoes, and fires. The Federal Acquisition Regulation (FAR) and its supplements allow many methods for acquiring goods and services that can be used under certain conditions and that do not require an emergency declaration. In

addition, the FAR prescribes additional streamlined methods that may be used only after an emergency declaration is made. Such declarations may result from Executive Orders with specific limitations, such as dollar levels, time limits, and funding appropriations. While the FAR provides COs with sufficient latitude necessary to perform their duties; Executive Orders, specific to a particular crisis such as Hurricane Katrina, can also provide higher thresholds and additional exceptions to regulations facilitating the response effort.

FAR Subpart 18.1 identifies available acquisition flexibilities that may be used anytime and do not require an emergency declaration. FAR Subpart 18.2 identifies the flexibilities that may be used only after an emergency declaration or designation has been made by the appropriate official.

There are important distinctions among the emergency declarations. Disaster or emergency assistance activities in accordance with FAR Subpart 26.2 are different from contingency operations, or defense or recovery from certain attacks. When you are providing procurement support in an emergency situation, be certain to apply the appropriate emergency acquisition flexibilities (FAR 18.2), i.e., contingency operation (FAR 18.201), defense or recovery from certain attacks (FAR 18.202), or emergency declaration or major disaster declaration (FAR 18.203).

The FAR definitions are included in this chapter for reference.

Definitions

Contingency operation (10 U.S.C. 101 (a)(13)) means a military operation that—

(1) Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against any enemy of the United States or against an opposing military force; or

(2) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of 10 U.S.C., chapter 15 of 10 U.S.C., or any other provision of law during a war or during a national emergency declared by the President or Congress.

Emergency acquisition flexibilities means flexibilities provided with respect to any acquisition of supplies or services by or for an executive agency that, as determined by the head of an executive agency, may be used—

(1) In support of a contingency operation as defined in FAR 2.101;

- (2) To facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attack against the United States; or
- (3) When the President declares an incident of national significance, emergency declaration, national emergency, or major disaster.

Emergency response contract means a contract with private entities that supports assistance activities in a major disaster or emergency area, such as debris clearance, distribution of supplies, or reconstruction.

Local firm means a private organization, firm, or individual residing or doing business primarily in a major disaster or emergency area.

Major disaster or emergency area means the area included in the official Presidential declaration(s) and any additional areas identified by the Department of Homeland Security.

Authorities

Emergency Declaration or Major Disaster Declaration

In accordance with 42 U.S.C. 5150, Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288 as amended, preference shall be given to local organizations, firms, or individuals when contracting for major disaster or emergency assistance activities when the President has made a declaration. (FAR 18.203)

Defense Priorities and Allocation System Program (DPAS)

Title I of the Defense Production Act of 1950, as amended, authorizes the President to require preferential acceptance and performance of contracts or orders supporting certain approved national defense and energy programs, and to allocate materials (including equipment), services, and facilities in such a manner as to promote these approved programs.

The authority of the President under the Defense Production Act has been delegated to the Secretary of Commerce. Under DPAS delegation 2 dated July 1, 1998, the Department of Commerce (DOC) delegated limited authority to the Secretary of Energy.

The Department of Energy (DOE), Office of Procurement and Assistant Management is delegated authority (Delegation of Authority Order No. 00-0022004) for the implementation of section 101(a) of the Defense Production Act. Section 101(a) provides authority to place DO and DX priority rated contracts and orders in support of

DOE programs. Rated orders take preference over all unrated orders as necessary to meet required delivery dates. Among rated orders, DX rated orders take preference over DO rated orders.

The DO priority rated contract and orders are in support of DOE programs determined by the Secretary as necessary or appropriate to promote the national defense with respect to energy production and construction, distribution and use, and direct related activities (approved programs). The DX priority rated contracts and orders are in support of those DOE approved energy programs determined by the President to be of the Highest National Priority as described in the Department of Defense (DoD) Master Urgency List.

FAR Subpart 11.6 – Priorities and Allocations and DEAR Subpart 911.6 provide implementation. Additional guidance on DPAS can be obtained from the Office of Contract Administration (MA-621).

Special emergency procurement authority

Section 1443 of the Services Acquisition Reform Act of 2003 (Title XIV of P.L. 108-136) (codified at 41 U.S.C. 428a) increased the amount of the micro-purchase threshold and the simplified acquisition threshold for procurements of supplies or services under emergency situations. This special emergency procurement authority, as determined by the head of the agency, increases the thresholds for micro-purchase and simplified acquisition procedures for the procurement of commercial items in support of a contingency operation, or to facilitate the defense against or the recovery from a nuclear, biological, chemical, or radiological attack. [FAR 13.201(g) and 13.500(e)]

Head of the Contracting Activity

The Head of the Contracting Activity has the authority to increase a Contracting Officer's warrant, as needed.

Acquisition Strategies

FAR Part 18 – Emergency Acquisitions and FAR Subpart 26.2 – Disaster or Emergency Assistance Activities provide contingency operation and emergency acquisition contracting regulations to the federal contracting personnel. Furthermore, the OFPP Emergency Acquisitions Guide (attachment 1 to this Chapter) supplements FAR Parts 18 and 26 and the National Response Framework documents published by the Federal Emergency Management Agency. The OFPP guide will assist the contracting community with planning and executing contracts or orders to support these procurements.

In addition, at the end of this chapter, there are quick reference tables. The first two tables are excerpts from the OFPP guide and provide a quick reference to FAR 18.1 on generally available acquisition flexibilities and to FAR 18.2 on emergency acquisition flexibilities. The third table lists the categories of procurement actions, combines available and emergency flexibilities and provides a few other references. These tables will assist you in determining your next steps and documenting your file.

Upon the receipt of the procurement request in support of a contingency operation or emergency contracting situation, DOE COs should consider the following acquisition alternatives in the order presented.

Existing Contract Vehicles

The DOE CO should first seek to satisfy competitive commercial requirements by placing task orders and delivery orders against existing DOE contracts and Blanket Purchase Agreements (BPAs). The General Services Agency (GSA) Federal Supply Schedules (FSS), Federal Supply Service Multiple Award Schedule (MAS), BPAs and Government Wide Acquisition Contracts (GWAC)s are also good sources available to the CO. GSA has grouped “disaster relief” services and products in one place on its website, at <http://www.gsa.gov/portal/content/102246> in order to expedite searching for: construction services, building supplies, communication, furniture, law enforcement, medical/laboratory supplies, temporary staffing, vehicle leasing, and other common emergency necessities. The purchase card as a method of payment will expedite the award, however the CO is responsible for ensuring that the appropriate file documentation is created depending upon the micro purchase threshold and simplified acquisition threshold at the time.

Micro purchase

The government purchase card is the preferred acquisition method in the federal government, providing reduced administrative costs and time for purchasing and paying for small dollar commercial goods and services. In the event of a contingency operation or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack, the micro purchase threshold will be raised to \$15,000 for purchases made inside the United States.^{1 2} Organizational Program Coordinators are expected to conduct closer oversight of their card systems during the contingency period when opportunities for fraud, waste and abuse are at greater risk.

When using micro purchase procedures, card holders are not required to seek competition

¹ For any micro purchase card contract awarded and performed outside the United States, the threshold is increased to \$30,000.

² Dollar threshold is subject to change; see FAR 2.101 definitions for current threshold.

and there are no small business set-asides. Cardholders remain accountable for determining price reasonableness; therefore, making the best decision may include factors other than price such as lead times, delivery, and in accordance with the Stafford Act, give preference to those local businesses in the effected area where possible under the circumstances.

DOE's "Purchase Card Policy and Operating Procedures" and "Purchase Charge Card Management Plan" have incorporated Office of Management and Budget's (OMB) updated OMB Circular A-123, Appendix B - Improving the Management of Government Charge Card Programs. DOE's card policy requires that a system of internal controls are implemented through--

1. Performing periodic reviews of spending and transaction limits;
2. Conducting internal card program reviews;
3. Monitoring reports to identify split purchases;
4. Performing periodic reviews of the number of cards in use and the span of control for approving officials; and
5. Keeping current on new and innovative solutions to detect and prevent fraud and misuse, such as--
 - Data mining;
 - Restrict limits during inactivity;
 - Review cardholder accounts; or
 - Cancel accounts when employees terminate employment.

Simplified Acquisition Procedures (SAP)

The threshold for SAP will be increased to \$300,000^{3 4} when a contingency operation or emergency is declared.

DOE COs shall comply with the following:

1. Promote competition. To promote competition to the maximum extent practicable. (FAR 13.104)
2. No notice of proposed contract action. When not providing access to the notice of proposed contract action and solicitation information through the Government Point of Entry (GPE) FedBizOpps.gov, at least three sources within the local trade area are considered as promoting competition to the maximum extent practicable. (FAR 13.104)

³ For any contract to be awarded and performed or purchases to be made, outside the United States, the threshold is increased to \$1,000,000.

⁴ Dollar threshold is subject to change; see FAR 2.101 definitions for current threshold.

3. Single Source. May solicit from a single source if it is determined that circumstances deem that only one source is “reasonably” available (e.g., urgency, exclusive licensing agreements, or industrial mobilization). (FAR 13.106-1)
4. Local preference. Preference shall be given, to the extent feasible and practicable, to those organizations, firms, or individuals residing or doing business primarily in the area affected by the disaster or emergency. (FAR 26.202)

DOE COs may:

1. Use standing price quotes that are current and reflect maximum discounts before award, rather than requesting separate quotes with each order.
2. May solicit multiple quotes on supplies and services prior to the placement of the first order, requesting that the vendor guarantee those prices as standing price quotations for consideration on future orders, thus expediting subsequent orders and complying with the intent of competitive requirements.

Test Program for Certain Commercial Items

Orders up to \$6.5 million for commercial items and \$12 million⁵ for any supplies or services that are determined by the head of the agency (not delegable) to be used for contingency operations or to facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attack, may use the simplified acquisition procedures of FAR Part 13 – Test Program for Certain Commercial Items, which allows for limited competition. Preference shall be given to the extent feasible and practicable, to those organizations, firms, or individuals residing or doing business primarily in the area affected by the disaster or emergency under the authority of the Stafford Act. All procurements conducted under the Commercial Item Test Program, must be documented, per FAR 13.501. Except as provided at FAR 12.207, the contract types are limited to firm-fixed price or fixed-price with economic adjustment. The documentation required shall include--

- A brief description of the procedures used to award the contract, including the detail that the test procedures in FAR 13.5 were used;
- The number of offers received;
- A contract award decision explanation, appropriate for the size and complexity of the acquisition; and
- Any justification approved for the use of a sole source contract, including brand

⁵ Dollar threshold is subject to change; see FAR 13.5 for current threshold.

name acquisitions, in accordance with FAR 13.501(a).

Letter Contracts

Authority to use a letter contract is not new, however it is a procurement method that is used when the situation requires work to begin immediately and there is not enough time to negotiate a formal contract. A written determination must be made by the HCA that a letter contract can be issued. If the letter contract is based on price competition, the CO shall include an overall price ceiling in the letter contract. Each letter contract shall contain a negotiated definitization schedule that includes: dates for the contractor's price proposal, required cost and pricing data, and subcontracting plans. Definitization of the letter contract shall be at the earliest time practicable, usually within 180 days of the date of the letter contract or before 40 percent of the work is completed, whichever comes first. The CO shall assign a DPAS priority rating to the letter contract if it is appropriate under DEAR 911.600 and follow any other DOE policies or procedures required.

In accordance with FAR 16.105 and 16.603-4, the following clauses shall be included in each letter contract--

- 52.216-1 Type of Contract, unless for a fixed price acquisition made under SAP);
- The clause required for the type of definitized contract contemplated;
- 52.216-23 Execution and Commencement of Work (may be omitted from letter contracts awarded on SF 26);
- 52.216-24 Limitation of Government Liability;
- 52.216-25 Contract Definitization; and
- 52.216-26, Payments of Allowable Costs Before Definitization, if a cost-reimbursement definitive contract is contemplated.

Oral Requests for Proposals (RFP)s

SAP allow for the use of oral RFPs at any time. Use of an oral RFP still requires acquisition planning in accordance with FAR Part 7 and following the notice requirements in FAR Part 5. The contract file documentation shall include (FAR 15.203(f))--

- A description of the requirement;
- Rationale for use of an oral solicitation;
- Market research;
- List of sources solicited, including date, time, names of individuals contacted and prices offered; and
- The solicitation number provided to the prospective offerors.

Other Considerations

Exemption from Registration in the Central Contractor Registration (CCR) Database

Contractors doing business with the Federal Government are required to be registered in the CCR database. However, FAR 4.1102 (a) exempts registration when contracts are awarded by--

- Deployed contracting officers in the course of military operations, including, but not limited to, contingency operations, as defined in 10 U. S. C. 101(a)(13) or humanitarian or peacekeeping operations as defined in 10 U. S. C. 2302(7); or
- Contracting officers in the conduct of emergency operations, such as responses to natural or environmental disasters, or national or civil emergencies, e.g., Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121).

Exemption from Electronic Funds Transfer (EFT)

Normally, contract payments by the government are to be made by EFT, however during contingency operations and emergencies it may be necessary to contract with firms that do not have an EFT mechanism. FAR 32.1103(e) provides for the exemption of the payment mechanism in situations of military operations, contingency operations, and emergency operations, where requiring the EFT would not support the mission or when EFT is not known to be possible.

Exemptions and Suspensions with Labor Statutes

The Office of Federal Contract Compliance (OOFCC) may exempt or waive some of the requirements of: Executive Order 11246, as amended, Section 503 of the Rehabilitation Act, as amended, and Section 4212 of the Vietnam Era Veterans' Readjustment Assistance Act as amended, in contracts that would include any part of the equal opportunity clause when special circumstances in the national interest require the exemption or waiver. The exemption and waiver are related to the development of a written affirmative action program, reports, or notices administered by OOFCC.

The President may suspend the enforcement of certain statutes, such as the Davis-Bacon Act, for all contracts performed in a specific jurisdiction (the affected areas) during a specified period of time consistent with the disaster and recovery efforts. Contractors would not be required to pay workers the prevailing wage rates set by the Department of Labor for construction contracts and could pay wages relative to the competitive marketplace.

Local Area Preference and Use of Other than Full and Open Competition

Local Area Preference - During a major disaster or emergency, preference shall be given to local trade firms, organizations, or individuals within the effected areas, to the extent feasible and practicable. A CO may set-aside a solicitation to allow only local firms within a specific geographic area to compete. (FAR 6.207 and 26.202)

Use of Other than Full and Open Competition - There are two authorities that might possibly be used in the event of a contingency operation or an emergency acquisition. Documentation requiring the use of either authority will remain in effect and the written justification shall be signed by the appropriate officials as described in the DOE Acquisition Guide Chapter 6.1, Competition Requirements.

- FAR 6.302-2, Unusual and Compelling Urgency. Section 862 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417) amended the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) to include a limit on the period of performance of contracts award noncompetitively under unusual and compelling urgency circumstances. This requirement is prescribed at FAR 6.302-2. Additional guidance on the period of performance is provided in Acquisition Guide Chapter 6.1, Competition Requirements.
- If there are any qualified concerns that are 8(a), HUBZone, or Service-disabled Veteran-owned small Business (SDVOSB), then FAR 6.302-5, Authorized Or Required By Statute, may be used.

Protests

FAR 33.104 allows for the HCA to make a non delegable written decision to make award due to urgent and compelling circumstances when a protest is received from the General Accountability Office (GAO) either *before award* or *after award*. The written determination shall state, “urgent and compelling circumstances that significantly impact the interest of the United States will not permit waiting for the GAO’s decision”.

Contract Close-out

Contingency contracting does not provide any flexibilities or expedited procedures for contract close-out. A complete and properly documented file is still required, although in certain circumstances the documentation and approvals on justifications can be prepared after the contract award. DOE COs must be prepared to have any contingency contract files audited as early as 60 days after the date of the transaction. The documentation should be appropriate for the size and complexity of the acquisition and should be able to defend against auditors.

Documentation

Although working in a contingency or an emergency contracting environment is dynamic, uncertain, and risky for the taxpayer, as well as the contractor, logical well-documented decisions will best justify the choices that were made. DOE COs must document their decisions in order to maintain a proper “paper trail” of their actions for the inevitable follow-up reviews. A contingency or an emergency contracting situation is no excuse for contracting officers to abandon -- reasonable and prudent judgment, adherence to federal acquisition principles, or proper business acumen in their role as stewards of the taxpayers’ dollars.

In contingency or emergency situations contract documentation and file maintenance may have greater visibility particularly because of the Congressional interest related to disaster relief efforts. DOE COs are not relieved from and remain responsible for ensuring that contract files are complete and comply with the documentation requirements set forth in the FAR, DEAR, and the DOE Acquisition Policy, e.g. Guide Chapter, Acquisition Letter, or Policy Flash. Below is a list of documents that should be included in a contingency or emergency contract pre-award file--

- Procurement request;
- Independent government estimate;
- Certified funding;
- Market research;
- Determination and findings, when required
- Justifications and Approvals, as required;
- Headquarters’ Clearance documentation, as required;
- Deviation approvals, as required;
- Contracting Officer Representative (COR) delegation;
- Solicitation or written description of the requirement for an oral RFP;
- If best value award, the basis for award and the relative importance of quality and price or cost factors;
- List of sources solicited;
- Contractor’s proposal or notes documented from the oral RFP;
- Technical evaluation;
- Cost/price reasonableness determination;
- Source selection statement to support basis for award; and
- Any other memorandum that may be important or necessary.

Certain documents listed above may not be required depending on the type of acquisition and method of procurement selected.

Quick Reference Tables**Generally Available Acquisition Flexibilities: A Quick Reference to FAR 18.1**

Micropurchases (less than or equal to \$3,000):

- ✓ The purchase card may be used as an acquisition method (FAR 13.2).
- ✓ A written contract is not needed.
- ✓ The Service Contract Act does not apply to purchases of \$2,500 or less, and the Davis-Bacon Act does not apply to purchases of \$2,000 or less.

Acquisitions under the SAT (over \$3,000 to \$150,000):

- ✓ Various flexibilities are provided in connection with publicizing. For example, an oral solicitation may be efficient for actions up to \$30,000 and other actions for which there is an exception to notice; response time may be less than 30 days provided a response time is reasonable (FAR 5.101, 5.202, 5.203, 13.106-1).
- ✓ Limited competition is authorized, including soliciting from a single source or use of a brand name specification, but the rationale must be documented (FAR 13.106-3, 11.105).

Acquisitions using the test program for commercial items (over \$150,000 to \$6.5 million):

- ✓ Acquisitions generally may be treated like a purchase under the SAT with certain exceptions. For example, DOE COscontracting officers must prepare justification for sole-source (including brand name) acquisitions in accordance with FAR 13.501.

Commercial item acquisitions (over \$6.5 million):

- ✓ FAR 12 policies and procedures apply, including optional streamlined procedures for evaluation and solicitation.
- ✓ The wait period after notice and before issuance of a solicitation may be reduced (FAR 5.203(a)).
- ✓ Based on circumstances, the contracting officer may allow for less than a 30-day response time for receipt of offers (FAR 12.205, 5.203(b)).
- ✓ In cases of unusual and compelling urgency, justification may be executed after award (FAR 6.302-2 and 6.303-1(d)).

Source: OFPP Emergency Acquisitions Guide, Figure 5, January 2011.

Emergency Acquisition Flexibilities: A Quick Reference to FAR 18.2

All event emergency acquisition flexibilities:

- ✓ Relief from registration in Central Contractor Registration (FAR 4.1102(a)(3)).
- ✓ Relief from use of electronic funds transfer for contract payments under certain conditions (FAR 32.1103(e)).

Contingency operations:

- ✓ Increased micropurchase threshold (FAR 18.201(b)).
- ✓ Increased simplified acquisition threshold (FAR 18.201(c)).
- ✓ Higher dollar limitations for purchase orders, invoices, and vouchers (SF 44s) (FAR 18.201(d)).
- ✓ Expanded use of simplified acquisition procedures for commercial items (FAR 18.201(e)).

Defense or recovery from certain attacks:

- ✓ Increased micropurchase threshold (FAR 18.201(a)).
- ✓ Increased simplified acquisition threshold (FAR 18.202(b)).
- ✓ Expanded use of simplified acquisition procedures for commercial items (FAR 13.500(e) and 18.202(c)).
- ✓ Use of commercial item procedures for acquiring noncommercial items (FAR 12.102(f)(1) and (2) and FAR 18.202(d)).

Incidents of national significance, emergency declaration, or major disaster declaration:

- ✓ Limited use of full and open competition (FAR 6.6 and 26.2).
- ✓ Local firm or area evaluation preference (FAR 26.202-2).
- ✓ Temporary waiver of Cargo Preference Act requirements (FAR 47.502(c)).

Source: OFPP Emergency Acquisitions Guide, Figure 6, January 2011.

AVAILABLE ACQUISITION FLEXIBILITIES & EMERGENCY ACQUISITION FLEXIBILITIES TABLE

	Micro Purchase	SAP	Commercial Test Program	FSS Schedule, GWACs, Task or Delivery Orders	Letter Contracts	Contracts	Modifications
CCR Registration- Contractor Registration in CCR	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required
Disaster Response Registry – Contractor Registration in CCR	Required for certain services	Required for certain services	Required for certain services	Required for certain services	Required for certain services	Required for certain services	N/A
Contract Type	FFP	FFP, T&M & LH	FFP & FFP/EA, under specified conditions - T&M and LH	FFP, TM & LH	All types	All Types	All types
Price Ceiling or Cost Estimate Established	N/A	T&M & LH	Under specified conditions T&M and LH	T&M and LH	T&M, LH, FFP & Cost	T&M, LH, & Cost	T&M, LH & Cost
Ability One & FPI	Not Mandatory	Not Mandatory	Not Mandatory	N/A	Not Mandatory	Not Mandatory	N/A
Certified Funds	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Synopsis	N/A	As Required – but not required for CICA exception 6.302-2	As Required - but not required for CICA exception 6.302-2	N/A	As Required – but not required for CICA exception 6.302-2	As Required - but not required for CICA exception 6.302-2	As Required - but not required for CICA exception 6.302-2

Solicit Orally (quotation or RFPs)	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Soliciting from single source	Yes, if price is determined to be reasonable	Yes, with CO determination to document circumstances and if brand name need to post justification	Yes, need justification and approval for sole source, including brand name	Yes, need limited sources justification and approval	Yes, with JOFOC	Yes, with JOFOC	Yes, with JOFOC
FAR 6.302-2 Unusual and Compelling Approval	N/A	See above for single source	Exempt from FAR Part 6 – see above for single source	See above for single source	Yes	Yes	Yes to Increase Scope
FAR 6.302-5 Authorized by Statute [8(a), HUBZone, or SDVOSB]	N/A	See above for single source	Exempt from FAR Part 6 – see above for single source	See above for single source	Yes	Yes	N/A
EFT exempts contract payments for certain acquisitions	N/A	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required
Buying Threshold for contingency contracting, or defense or recovery from certain attacks	\$15K ¹	\$300K ¹	\$12M ²	Review Schedule	All amounts – when immediate performance is required	All amounts	All amounts
Emergency declaration or major disaster	Preference to local organizations,	Preference to local organizations,	Preference to local organizations,	Preference to local organizations,	Preference to local organizations,	Preference to local organizations,	N/A

¹ Dollar threshold is subject to change; see FAR 2.101 definitions for current threshold.

² Dollar threshold is subject to change; see FAR 13.5 for current threshold.

declaration under Stafford Disaster Relief and Emergency Assistance Act	firms and individuals	firms and individuals	firms and individuals	firms and individuals	firms and individuals	firms and individuals	
Local Area Set-Aside under Stafford Disaster Relief and Emergency Assistance Act	N/A	May set-aside as well as small business set-aside	May set-aside as well as small business set-aside	N/A	N/A	May set-aside as well as small business set-aside	N/A