



Legislative Update

MSFC SBELT 18 April 2018



Procurement Class Deviations

Allows an agency/organization to deviate from the requirements stated in the regulations.

Regulations include the Federal Acquisition Regulation (FAR), DoD FAR (DFAR), NASA FAR Supplement (NFS) or General Services Administration Acquisition Manual (GSAM).

NASA Class Deviations

<https://www.hq.nasa.gov/office/procurement/regs/pcd.pdf>

Procurement Class Deviations (PCDs)

Procurement Class Deviations are deviations from NFS and/or FAR requirements.

NOTE: Class Deviations dated prior to June of 2015 were issued as Procurement Information Circulars in lieu of PCDs.

18-03 March 1, 2018

NFS Class Deviation to Provide a Revised Voucher and Invoice Submission & Payment Process (Expiration date: This PCD is effective as dated and shall remain in effect until it is incorporated into the NFS or is otherwise rescinded)

18-02 February 16, 2018

FAR Class Deviation For Multiple-Award Contracts Utilizing Price/Cost as an Evaluation Factor (Expiration date: This PCD is effective as dated and shall remain in effect until it is incorporated into the FAR, or until this class deviation is otherwise rescinded or extended.)

18-01 February 16, 2018

FAR Class Deviation to Increase the Micro-purchase and Simplified Acquisition Thresholds (Expiration date: This PCD is effective as dated and shall remain in effect until the increased thresholds are incorporated into the FAR, via FAR Case 2018-004.)

DoD Class Deviations

https://www.acq.osd.mil/dpap/dars/class_deviations.html

The screenshot displays the DPAP (Defense Procurement and Acquisition Policy) website. The header includes the DPAP logo and the text "DPAP Defense Procurement and Acquisition Policy" and "DP Defense Pricing". The breadcrumb trail reads "DPAP > Defense Acquisition Regulations System > Class Deviations".

Class Deviations

The Director of Defense Procurement and Acquisition Policy issues class deviations when necessary to allow organizations to deviate from the FAR and DFARS. Below are all the current DoD class deviations in effect. All other deviations are archived by year.

- [Class Deviation 2018-00013 - Micro-Purchase Threshold, Simplified Acquisition Threshold, and Special Emergency Procurement Authority \(13 April 2018\)](#)
 - [Attachment 1, Class Deviation 2018-00013 - Micro-Purchase Threshold, Simplified Acquisition Threshold, and Special Emergency Procurement Authority \(DOC\)\(13 April 2018\)](#)
 - [Attachment 2, Class Deviation 2018-00013 - Micro-Purchase Threshold, Simplified Acquisition Threshold, and Special Emergency Procurement Authority \(DOC\)\(13 April 2018\)](#)
- [Class Deviation 2018-00012 - Threshold for Obtaining Certified Cost or Pricing Data \(13 April 2018\)](#)
 - [Attachment 1, Class Deviation 2018-00012 - Threshold for Obtaining Certified Cost or Pricing Data \(DOC\)\(13 April 2018\)](#)
- [Class Deviation 2018-00011 - Enhanced Postaward Debriefing Rights \(22 March 2018\)](#)
- [Class Deviation 2018-00010 - Temporary Extension of the Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans \(9 January 2018\)](#)
- [Class Deviation 2018-00009 - Pilot Program for Streamlining Awards for Innovative Technology Projects \(9 January 2018\)](#)

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Archived Class Deviations

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A red arrow points from the year 2004 in the "Archived Class Deviations" list to the "Class Deviation 2018-00011 - Enhanced Postaward Debriefing Rights" entry in the main list.

GSA Class Deviations

<https://www.gsa.gov/policy-regulations/policy/acquisition-policy/acquisition-policy-library>

Home > Policy & Regulations > Policy > Acquisition Policy > Acquisition Policy Library >

ACQUISITION POLICY

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Acquisition Policy Library

The Acquisition Policy Library contains active Acquisition Letters and Class Deviations issued by GSA's Senior Procurement Executive. This library is maintained and updated by the Office of Acquisition Policy (OAP).

Documents on this site are provided in PDF format following Section 508 standards as much as possible. If you experience difficulty accessing any resources or content on this site, please contact the Office of Acquisition Policy by email at AcquisitionPortal@gsa.gov. We will work diligently to provide you with an accessible format.

Acquisition Letters | **Deviations**

CD-2018-02 [PDF - 94 KB]	GSAM Class Deviation, GSAM 501.603, GSA National Leasing Warrants	03/14/2018
CD-2018-01 Add 1 [PDF - 105 KB]	FAR Class Deviation, FAR 1.109, Increasing the Micro-Purchase Threshold and Simplified Acquisition Threshold - Addendum 1	03/06/2018
CD-2018-01 [PDF - 434 KB]	FAR Class Deviation, FAR 1.109, Increasing the Micro-Purchase Threshold and Simplified Acquisition Threshold	02/15/2018
MV-17-03 [PDF - 2 MB]	Class Deviation, Exercise of Special Emergency Procurement Authorities	08/29/2017
SPE-2017-07-17 [PDF - 19 KB]	Class Justification, FAR 6.304, Review and Approval, Other Than Full and Open Competition (Utilities)	07/17/2017

Open FAR Cases as of 4/13/2018

Any Changes to Ones We Reviewed?

Case Number	Part Number	Title	Synopsis	Status
2014-002	10, 13, 15, 16, 19, 2, 4, 42, 52, 7, 8, 9	(S) Set-Asides Under Multiple-Award Contracts	Implements SBA's final rule (78 FR 61114) for sections 1311 and 1331 of the Small Business Jobs Act of 2010 (Pub. L. 111-240), which provides Governmentwide policy for partial set-asides and reserves, and setting aside orders for small business concerns under multiple-award contracts.	02/15/2017 DARC Director tasked Small Business Team to review public comments, draft final FAR rule. Report due 04/12/2017. Report due date extended to 03/14/2018.

Case Number	Part Number	Title	Synopsis	Status
2014-002	10, 13, 15, 16, 19, 2, 4, 42, 52, 7, 8, 9	(S) Set-Asides Under Multiple-Award Contracts	Implements SBA's final rule (78 FR 61114) for sections 1311 and 1331 of the Small Business Jobs Act of 2010 (Pub. L. 111-240), which provides Governmentwide policy for partial set-asides and reserves, and setting aside orders for small business concerns under multiple-award contracts.	02/15/2017 DARC Director tasked Small Business Team to review public comments, draft final FAR rule. Report due 04/12/2017. Report due date extended to 04/25/2018.

Report Due Date Extended

Open FAR Cases as of 4/13/2018

Any Changes to Ones We Reviewed?

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Case Number	Part Number	Title	Synopsis	Status
2018-003		(S) Credit for Lower-Tier Small Business Subcontracting	Implements section 1614 of the NDAA for FY 2014, as implemented in the SBA regulations on 12/23/2016 (81 FR 94246), which allows prime contractors to receive credit toward goals in their small business subcontracting plans for subcontracts awarded by their subcontractors.	11/15/2017 DARC Director tasked Small Business Team to draft proposed FAR rule. Report due 01/10/2018. Report due date extended to 03/07/2018.
2018-003		(S) Credit for Lower-Tier Small Business Subcontracting	Implements section 1614 of the NDAA for FY 2014, as implemented in the SBA regulations on 12/23/2016 (81 FR 94246), which allows prime contractors to receive credit toward goals in their small business subcontracting plans for subcontracts awarded by their subcontractors.	11/15/2017 DARC Director tasked Small Business Team to draft proposed FAR rule. Report due 01/10/2018. Report due date extended to 05/02/2018.

Report Due Date Extended

Open FAR Cases as of 4/13/2018

Any Changes to Ones We Reviewed?

Case Number	Part Number	Title	Synopsis	Status
2017-019		Policy on Joint Ventures	Implements regulatory changes regarding joint ventures made by the Small Business Administration (SBA) in their final rule published in the Federal Register on July 25, 2016 (81 FR 48558). Also clarifies that 8(a) joint ventures are not "certified" in the 8(a) Program and that 8(a) joint venture agreements must be approved by SBA prior to award of an 8(a) contract.	02/14/2018 DARC agreed to draft proposed FAR rule. DAR staff processing.

No Change in Status

Open FAR Cases as of 4/13/2018

Case Number	Part Number	Title	Synopsis	Status
2017-010	13.106-1, 15.304, 16.505(b)(1), 16.505(b)(2)	(S) Evaluation Factors for Multiple-Award Contracts	Implements section 825 of the NDAA for FY 2017 (Pub. L. 114-328). Section 825 amends 10 U.S.C. 2305(a)(3) to address the requirement to include cost or price to the Government as a factor in the evaluation of proposals for certain multiple-award task- or delivery-order contracts and 2304c(b) to modify the exceptions to fair opportunity. Applicable to DoD, NASA, and Coast Guard.	07/10/2017 CAAC Legal concurrence with draft proposed FAR rule. FAR and DAR staff resolving issues.

No Change in Status

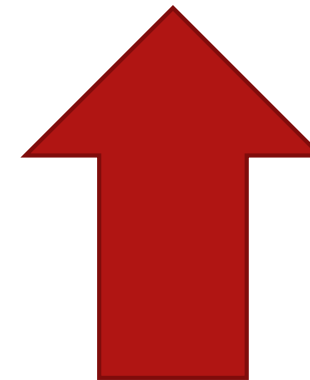
Open FAR Cases as of 4/13/2018

Case Number	Part Number	Title	Synopsis	Status
2017-007	16.505	(S) Task- and Delivery-Order Protests	Implements section 835 of the NDAA for FY 2017 (Pub. L. 114-328) and Public Law 114-260. Section 835(a) amends 10 U.S.C. 2304c(e)(1)(B) to raise the threshold for task- and delivery-order protests from \$10 million to \$25 million (applicable to DoD, NASA, and Coast Guard). Section 835(b) amends 41 U.S.C. 4106(f) to repeal the sunset date, which had already been repealed on 12/14/2016 by the GAO Civilian Task and Delivery Order Protest Authority Act of 2016 (Pub. L. 114-260).	02/06/2018 CAAC Chair sent draft final FAR rule to OIRA. OIRA reviewing.
2017-007	16.505	(S) Task- and Delivery-Order Protests	Implements section 835 of the NDAA for FY 2017 (Pub. L. 114-328) and Public Law 114-260. Section 835(a) amends 10 U.S.C. 2304c(e)(1)(B) to raise the threshold for task- and delivery-order protests from \$10 million to \$25 million (applicable to DoD, NASA, and Coast Guard). Section 835(b) amends 41 U.S.C. 4106(f) to repeal the sunset date, which had already been repealed on 12/14/2016 by the GAO Civilian Task and Delivery Order Protest Authority Act of 2016 (Pub. L. 114-260).	03/28/2018 Final rule to FARSEC for preparation of FAC.



Open FAR Cases as of 4/13/2018

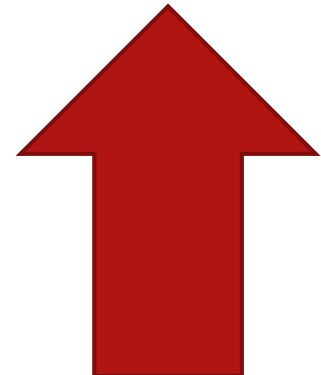
Case Number	Part Number	Title	Synopsis	Status
2017-001	1.106, 22.21, 22.403, 52.212-5, 52.213-4, 52.222-62	(EO) Paid Sick Leave for Federal Contractors	Implements E.O. 13706, Establishing Paid Sick Leave for Federal Contractors, as implemented by DoL final rule, published September 30, 2016 (81 FR 67598).	02/14/2018 DARC agreed to draft final FAR rule. DAR staff processing.
2017-001	1.106, 22.21, 22.403, 52.212-5, 52.213-4, 52.222-62	(EO) Paid Sick Leave for Federal Contractors	Implements E.O. 13706, Establishing Paid Sick Leave for Federal Contractors, as implemented by DoL final rule, published September 30, 2016 (81 FR 67598).	04/10/2018 OFPP concurrence with draft final FAR rule. FAR staff preparing to send to OIRA.



Open FAR Cases as of 4/13/2018

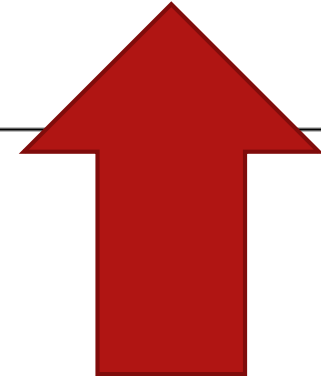
Case Number	Part Number	Title	Synopsis	Status
2016-011	19, 52	(S) Revision of Limitations on Subcontracting	Implements SBA's final rule (81 FR 34243) for section 1651 of the NDAA for FY 2013 (Pub. L. 112-239), which revised the limitations on subcontracting and the nonmanufacturer rule. Also implements SBA's regulatory clarifications concerning application of the limitations on subcontracting, nonmanufacturer rule, and size determination of joint ventures.	06/05/2017 CAAC Legal concurrence with draft interim FAR rule. FAR and DAR staff resolving issues.
2016-011	19, 52	(S) Revision of Limitations on Subcontracting	Implements SBA's final rule (81 FR 34243) for section 1651 of the NDAA for FY 2013 (Pub. L. 112-239), which revised the limitations on subcontracting and the nonmanufacturer rule. Also implements SBA's regulatory clarifications concerning application of the limitations on subcontracting, nonmanufacturer rule, and size determination of joint ventures.	04/02/2018 OFPP concurrence with draft interim FAR rule. FAR staff preparing to send to OIRA.

“Similarly Situated”



Open FAR Cases as of 4/13/2018

Case Number	Part Number	Title	Synopsis	Status
2016-007	1, 22, 52	(EO) Non-Retaliation for Disclosure of Compensation Information	Implements E.O. 13665, Non-Retaliation for Disclosure of Compensation Information, and associated DOL final rule. E.O. 13665 amends E.O. 11246 to provide for a uniform policy for the Federal Government to prohibit Federal contractors from discriminating against employees and job applicants who inquire about, discuss, or disclose their own compensation or the compensation of other employees or applicants.	02/06/2018 Draft final FAR rule from FAR analyst to CAAC Legal. CAAC Legal reviewing.
2016-007	1, 22, 52	(EO) Non-Retaliation for Disclosure of Compensation Information	Implements E.O. 13665, Non-Retaliation for Disclosure of Compensation Information, and associated DOL final rule. E.O. 13665 amends E.O. 11246 to provide for a uniform policy for the Federal Government to prohibit Federal contractors from discriminating against employees and job applicants who inquire about, discuss, or disclose their own compensation or the compensation of other employees or applicants.	04/10/2018 OFPP concurrence with draft final FAR rule. FAR staff preparing to send to OIRA.



Open FAR Cases as of 4/13/2018

Case Number	Part Number	Title	Synopsis	Status
2016-005	1.102-2, 10.001, 10.002	(S) Effective Communication between Government and Industry.	Implements section 887 of the NDAA for FY 2016 (Pub. L. 114-92), which provides that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry.	08/02/2017 DARC agreed to draft final FAR rule. DARC staff processing.
2016-005	1.102-2, 10.001, 10.002	(S) Effective Communication between Government and Industry.	Implements section 887 of the NDAA for FY 2016 (Pub. L. 114-92), which provides that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry.	02/12/2018 DAR staff notified FAR staff that DARC agreed to draft final FAR rule. Awaiting CAAC concurrence.

