

Expedited Contracting Procedures in Contingency Operations Checklist

Item Number	Note: Procedures may differ based on the area of responsibility (AOR). Contact responsible component office of primary responsibility (OPR) for command-specific procedures.	Applicable and Present
	The FAR and DFARS provide flexibility to permit expedited contracting actions to satisfy urgent and compelling or emergency requirements that support contingency, humanitarian, or peacekeeping operations. However, such circumstances do not provide blanket waivers of regulatory requirements, nor do they eliminate the need to maintain required controls and documentation.	
	If a policy or procedure, or a particular strategy or practice, is in the best interest of the government and is not specifically addressed in the FAR, nor prohibited by law (statute or case law), executive order or other regulation, government members of the [acquisition] team should not assume it is prohibited. Rather, absence of direction should be interpreted as permitting the Team to innovate and use sound business judgment that is otherwise consistent with law and within the limits of their authority. Contracting officers should take the lead in encouraging business process innovations and ensuring that business decisions are sound. (FAR 1.102-4(e))	
	When looking at expediting a contract action did you look at the following authorities and tools. Also refer to FAR Part 18 and DFARS Part 218	

1	Contractors are not required to be registered in the Central Contractor Registration (CCR) contracts awarded by deployed contracting officers in contingency, humanitarian, peacekeeping operations, and emergency operations. Contracting officers in emergency operations; contracts to support unusual or compelling needs; awards to foreign vendors for work performed outside the US; and micro-purchases that do not use electronic funds transfer (EFT). (FAR 4.1102) (also see FAR 26.205 and www.ccr.gov for the Disaster Response Registry)	
2	Exceptions for issuing synopses of proposed contract actions when this would delay award and seriously injure the government. (FAR 5.202(a)(2))	
3	Limiting sources in solicitations to less than full and open competition for urgent and compelling requirements where the government would be seriously injured if it did not limit competition to the maximum extent practicable. (FAR 6.302-2, PGI 206.302(2) and FAR 13.106-1(b))	
4	Streamlined procedures and a broad range of goods and services may be available under Federal Supply Schedule contracts (FAR Subpart 8.4), multi-agency BPAs (FAR 8.405-3(a)(4)), or multi-agency, indefinite delivery contracts. (FAR 16.505(a)(7))	
5	Purchase from Federal Prison Industries, Inc (FPI) is not mandatory and a waiver is not required if public exigency requires immediate delivery or performance. (FAR 8.605(b))	
6	Notification not required when changes in Ability One specifications or descriptions are required to meet emergency needs. (FAR 8.712(d))	
7	A determination can be made to not enforce qualification requirements when an emergency exists. (FAR 9.206-1)	

8	The Defense Priorities and Allocative System (DPAS) was established to facilitate rapid industrial mobilization during a national emergency. (FAR Subpart 11.6)	
9	Using oral solicitations. (FAR 13.106, and FAR 15.203(f)) Note that this does not relieve the contracting officer from complying with other FAR requirements	
10	Awarding letter contracts and other forms of undefinitized contract actions to expedite the start of work. (The head of contracting activity [HCA] must determine that no other type of contract is appropriate.) (FAR 16.603)	
11	Conditions for using interagency acquisition under the <i>Economy Act</i> (FAR Subpart 17.5)	
12	Awarding contracts to the SBA on a sole source or competitive basis for performance by eligible 8(a) firms. (FAR Subpart 19.8)	
13	Awarding contracts to Historically Underutilized Business Zone (HUBZone) or Service-disabled Veteran-owned Small business (SDVOSB) small business concerns on a sole source basis. (FAR 19.1306)	
14	Justification of overtime approvals retroactively in emergency circumstances. (FAR 22.103-4(i))	
15	Applications of policies and procedures of FAR Subpart 25.4, <i>Trade Agreements</i> may not apply to acquisition awarded using other than full and open competition. (FAR 25.401(a)(5))	
16	Waiver of requirement to obtain authorization prior to use of patented technology in circumstances of extreme urgency or national emergency. (FAR 27.204-1)	
17	Waiving bid guarantees. (FAR 28.101-1)	
18	Authorization of advance payments to facilitate national defense for actions taken under Public Law 85-804 and conditions. (FAR Subpart 50.1 and FAR 32.405)	

19	Appropriateness of no-setoff provision to facilitate the national defense in a national emergency or natural disaster. (FAR 32.803(d), <i>Assignment of Claims</i>)	
20	Exception for providing payment through electronic funds transfer. (FAR 32.1103(e)(1) and DFARS 232.7002(a)(4))	
21	Protest overrides for urgent requirements where the government will be seriously damaged if award is delayed. (FAR 33.104)	
22	Rental requirements do not apply to government production and research property that are part of an approved FEMA program. (FAR 45.301)	
23	Policies and procedures for amending contracts in order to facilitate national defense under the extraordinary emergency authority under PL 85-804. (FAR 50.103-2(a),(b), and (c))	
24	Use of the advance Military Interdepartmental Purchase Request (MIPR). (DFARS PGI 208.7004-3)	
25	Issuing a written job order for emergency work to a contractor who had previously executed a master agreement to avoid endangering a vessel, its cargos or stores, or when military necessity requires it. (DFARS 217.7103-4, 252,217-7010, and PGI 217.713-4)	
26	Not delaying an urgent immediate buy for spare parts. (DFARS PGI 217.7506, paragraph 1-105(e))	
27	Exceptions to prohibition on storage of disposal of non-DoD owned toxic or hazardous materials on DoD installations. (DFARS 223.7102(a)(3) and (7))	
28	Exceptions to the <i>Berry Amendment</i> requirement for items produced in the US. (DFARS 225.7002-2)	
29	Exemptions to restrictions on foreign contracting with a country subject to economic sanctions administered by the Department of the Treasury, Office of Foreign Assets Control for buys up to \$15K. (DFARS 225.701-70)	

30	Exceptions to Rights in technical data restrictions for emergency repair or overhaul during urgent or compelling circumstances. (DFARS 227.7102-2; 227.7103-5; 227.7103-13; 227.7104; 227.7203-13; 252.227-7013; 252.227-7014; 252.227-7015; 252.227-7018; and 252.227-7037)	
31	Procedures for duty-free import of equipment or materials in urgent situations in Spain when copies of contract not available. (DFARS PGI 229.7001)	
32	Exception for foreign vendors to submit payment requests in electronic form for awards for work performed outside the United States or to support unusual or compelling needs. (DFARS 232.7002(a)(2) and (5))	
33	Obtaining mortuary services in an epidemic or other emergency. (DFARS 237.7003(b) and 252.237-7003)	
34	The micro-purchase threshold increase in support of a contingency operation or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack. (FAR 2.101 and 13.201 (g))	
35	The SAT threshold in support of a contingency operation or to facilitate defense against or recovery from nuclear biological, chemical, or radiological attack. -\$250,000 (Inside the United States) -\$1M (Outside the United States) (FAR 2.101)	
36	Additionally SAP are authorized for the purchase of commercial supplies and services exceeding the SAT but not exceeding \$11M, including options. (FAR 13.500(e))	
37	The SF 44 may be used for higher dollar purchases to support a contingency operation. (FAR 13.306 and DFARS 213.306(a)(1)(B))	
38	Treating the acquisition of supplies or services as an acquisition of commercial items. (FAR 12.102(f)(1) and 13.500(e))	

39	Set aside to local organizations, firms, and individuals when contracting for major disaster or emergency assistance activities. (FAR 6.207 and FAR Subpart 26.2)	
40	Waiving the provisions of the <i>Cargo Preference Act</i> of 1954 in emergency situations. (FAR 47.502 c)	
41	Contracting officer qualification requirements for DoD employees or member of the armed forces who are in a contingency contracting force. (DFARS 201.603-2(2))	
42	Exceptions to the normal limitations on price ceilings, definitization schedules, and obligation percentages for letter contracts and other forms of undefinitized contract actions. (DFARS Subpart 217.74)	
43	Exception for DoD unique identification for items used to support a contingency operation. (DFARS 211.274-2(b))	
44	Use of the governmentwide commercial purchase card for an overseas transaction in support of a contingency operation, training exercises in preparation for an overseas contingency, humanitarian, or peacekeeping operation. (DFARS 213(c3) and (5))	
45	Use of the governmentwide commercial purchase card in support of a contingency operation or humanitarian or peacekeeping operation to make a purchase that exceeds the micropurchase threshold but does not exceed the SAT. (DFARS 213.301(3))	
46	Authorized use of imprest funds and third party drafts at or below the micro-purchase threshold in support of a contingency operation or a humanitarian or peacekeeping operation. (DFARS 213.305-3(d)(iii)(A))	
47	Head of contracting activity determinations in lieu of head of the agency. (FAR 2.101; 12.102(f); 13.201(g); 13.500(e); and 18.2)	
Note: Additional information is available on the Topical Index of the DVD/Web site.		