



OFFICE OF THE UNDER SECRETARY OF DEFENSE
3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

SEP 02 2005

ACQUISITION
TECHNOLOGY
AND LOGISTICS

DPAP(DAR)

In reply refer to
DAR Tracking Number: 2005-O0005

MEMORANDUM FOR DIRECTORS OF DEFENSE AGENCIES
DEPUTY ASSISTANT SECRETARY OF THE ARMY,
(POLICY AND PROCUREMENT), ASA(ALT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION MANAGEMENT), ASN(RDA)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC
DIRECTOR, DEFENSE CONTRACT MANAGEMENT AGENCY
EXECUTIVE DIRECTOR, ACQUISITION, TECHNOLOGY AND
SUPPLY DIRECTORATE (DLA)

SUBJECT: Class Deviation—Use of Governmentwide Commercial Purchase Card for
Purchases in the U.S. that do not Exceed the Simplified Acquisition
Threshold in Support of Hurricane Katrina Relief Efforts

When using the Governmentwide Purchase Card to support Hurricane Katrina relief efforts in accordance with DFARS 213.301(3), contracting officers may deviate from the requirements of paragraphs 213.301(2)(i)(A) and (C). Such purchases can therefore be made in the United States for use in the United States and the work can be performed by employees recruited in the United States. The acquisition must not exceed \$250,000 and the contracting officer must comply with all the other requirements at 213.301(2) (i) and (ii) and 213.301(3) and with applicable laws, as set forth in Attachment 1. This deviation does not apply to construction contracts.

This class deviation is effective upon signature, and remains in effect until incorporated in the DFARS or until otherwise rescinded. My point of contact is Ms. Amy Williams, and she can be reached on (703) 602-0328, or amy.williams@osd.mil.

Domenic Cipicchio
Acting Director, Defense Procurement
and Acquisition Policy

Attachment:
As stated

cc:
DSMC, Ft. Belvoir



Checklist of Applicable Laws and Requirements
The contractor agrees to comply with the following list for the acquisition of Commercial Items that do not exceed the
Micro-Purchase Threshold of \$250,000 in Support of Hurricane Katrina

I. Applicable to all Purchases

Statute or Executive Order (EO)	Requirements	For more information see FAR/DFARS	
31 U.S.C. 1352	Anti-lobbying. Do not use appropriated funds to lobby for award of federal contracts.	FAR Subpart 3.8	√
18 U.S.C. 431	Officials not to benefit		
41 U.S.C. 51-58	Anti-Kickback Act of 1986. The requirement for the incorporation of the contractor procedures for the prevention and detection of violations, and the contract requirement for contractor cooperation in investigations are not applicable.	FAR 3.502	
41 U.S.C. 265, 10 U.S.C. 2409	Whistle-blower protection	FAR Subpart 3.9	
49 U.S.C. 40118	Fly American	FAR Subpart 47.4	
41 U.S.C. 423	Procurement Integrity	FAR 3.104	
31 CFR Chapter 5	The Contractor shall not provide products from Cuba, Iran, Libya, Sudan, or North Korea, or any entity or individual listed by the Office of Foreign Assets Control as Specially Designated Nationals or Blocked Persons.	FAR Subpart 25.7	
10 U.S.C. 2631	Applies to ocean transportation of cargo owned by, or destined for use by, DOD	FAR Part 47 and DFARS Subpart 247.5	

II. More than \$2,500.

Statute or Executive Order (EO)	Requirements	For more information see FAR/DFARS	
41 U.S.C. 351 et seq.	The Contractor agrees to comply with the Service Contract Act of 1965, as amended. If this is a service contract, each service employee shall be paid not less than the minimum monetary wages and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor, or authorized representative, as specified in any wage determination attached to this contract. No employee shall be paid less than the currently applicable minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.	FAR Subpart 22.1006	√

III. More than \$10,000.

Statute or Executive Order (EO)	Requirements	For more information see FAR/DFARS	
E.O. 11246	The Contractor represents that the Contractor complies with Equal Employment Opportunity (EEO) and does not maintain or provide segregated facilities for its employees. The Contractor will not be obligated to develop the affirmative action program, prepare the reports, or provide the notices usually required under the regulations implementing E.O. 11246, as amended. See Department of Labor memorandum, subj: Contracts for Hurricane Katrina Relief Efforts, dated September 9, 2005, for limited exemptions and waiver from some of the requirements.	FAR Subpart 22.8	√
29 U.S.C. 793	The contractor agrees to comply with Affirmative Action for Workers with Disabilities. The Contractor will not be obligated to develop the affirmative action program, prepare the reports, or provide the notices usually required under the regulations implementing Section 503 of the Rehabilitation Act of 1973, as amended.	FAR Subpart 22.14	
42 U.S.C. 6962	Use of recovered material. If this contract is for an EPA designated product, the contractor certifies that the percentage of recovered materials used in the performance of the contract will be at least the amount required by the applicable contract specifications.	FAR Subpart 11.3	

IV. More than \$100,000.

Statute or Executive Order (EO)	Requirements	For more information see FAR/DFARS	
31 U.S.C. 1352	The offeror certifies that no Federal appropriated funds have been paid to any person to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, on his or her behalf in connection with the award of this contract. Disclosure using OMB Form LLL is required if the contractor makes payments with nonappropriated funds which would be prohibited is paid for with appropriated funds.	FAR Subpart 3.8	√
38 U.S.C. 4212	Application of Labor Laws. The contractor agrees to comply with Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans. The Contractor will not be obligated to develop the affirmative action program, prepare the reports, provide the notices, or list the job openings usually required under the regulations implementing section 4212 of the Vietnam Era Veteran Readjustment Assistance Act, as amended.	FAR Part 22.13	
40 U.S.C. 3701 et seq	Contract Work Hours and Safety Standards Act	FAR Subpart 22.3	

V. \$175,000. or more

Statute or Executive Order (EO)	Requirements	For more information see FAR/DFARS	
19 U.S.C. 2501 et seq.	WTO GPA. If buying items listed at DFARS 225.401-70, obtain oral certification that the supplies are U.S.-made, or the products of a designated or qualifying country, unless domestic end products are not available.	FAR 25.4, DFARS 225.4, 252.225-7020	√