



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

September 1, 2017

In reply refer to

DARS Tracking Number: 2017-O0007

MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION AND PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Class Deviation 2017-O0007, Special Emergency Procurement Authorities

Effective immediately, for DoD acquisitions of supplies or services funded by DoD appropriations, contracting officers and other individuals delegated micro-purchase authority shall use the special emergency procurement authorities as set forth in the definitions and procedures provided in the attachment to this class deviation. This deviation implements 41 U.S.C. 1903, as amended by sections 816 and 1641 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114-328). Section 816 increases the micro-purchase threshold and the simplified acquisition threshold for acquisitions that facilitate international disaster assistance or are in support of response to an emergency or major disaster. Section 1641 incorporates defense against or recovery from cyber attack as an additional basis for special emergency procurement authority. This class deviation rescinds and supersedes Class Deviation 2017-O0006, dated July 13, 2017, in order to harmonize the various changes to the definition of "micro-purchase threshold."

This class deviation is effective until it is incorporated in the FAR and DFARS or is otherwise rescinded. My point of contact is Ms. Amy Williams, who is available at 571-372-6106, or at amy.g.williams.civ@mail.mil.


for Shay D. Assad,
Acting Director, Defense Procurement
And Acquisition Policy

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PART 2-DEFINITIONS OF WORDS AND TERMS (DEVIATION 2017-00007)

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FAR 2.101 Definitions. (DEVIATION 2017-00007)

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"Emergency" as used in 6.208, 13.201, 13.500, 18.001, 18.202, 18.203, and subpart 26.2 means an occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States (42 U.S.C. 5122).

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"Major disaster" as used in 6.208, 13.201, 13.500, 18.001, 18.202, 18.203, and subpart 26.2 means any natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or regardless of cause, any fire, flood, or explosion, in any part of the United States, which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby (42 U.S.C. 5122).

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"Micro-purchase threshold" means ~~\$3,500~~ \$5,000 (10 U.S.C. 2338), except it means-

(1) For DoD acquisition of supplies or services for basic research programs and for activities of the DoD science and technology reinvention laboratories, \$10,000 (10 U.S.C. 2339);

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(2) For acquisitions of construction subject to [40 U.S.C. chapter 31](#), subchapter IV, Wage Rate Requirements (Construction), \$2,000;

(3) For acquisitions of services subject to [41 U.S.C. chapter 67](#), Service Contract Labor Standards, \$2,500; and

(4) For acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support a contingency operation or to facilitate defense against or recovery from **cyber**, nuclear, biological, chemical or radiological attack; **international disaster assistance** (22 U.S.C. 2292 et seq.); **an emergency, or major disaster** (42 U.S.C. 5122), as described in [13.201\(g\)\(1\)](#), except for construction subject to 40 U.S.C. chapter 31, subchapter IV, Wage Rate Requirements (Construction) ([41 U.S.C. 1903](#))—

(i) \$20,000 in the case of any contract to be awarded and performed, or purchase to be made, inside the United States; and

(ii) \$30,000 in the case of any contract to be awarded and performed, or purchase to be made, outside the United States.

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"Simplified acquisition threshold" means \$150,000 ([41 U.S.C. 134](#)), except for—

(1) Acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support a contingency operation or to facilitate defense against or recovery from **cyber**, nuclear, biological, chemical, or radiological attack; **international disaster assistance** (22 U.S.C. 2292 et seq.); **an emergency or major disaster** (42 U.S.C. 5122), ([41 U.S.C. 1903](#)), the term means—

(i) \$750,000 for any contract to be awarded and performed, or purchase to be made, inside the United States; and

(ii) \$1.5 million for any contract to be awarded and performed, or purchase to be made, outside the United States; and

(2) Acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support a

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humanitarian or peacekeeping operation ([10 U.S.C. 2302](#)), the term means \$300,000 for any contract to be awarded and performed, or purchase to be made, outside the United States.

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PART 13—SIMPLIFIED ACQUISITION PROCEDURES (DEVIATION 2017-00007)

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Subpart 13.5—Simplified Procedures for Certain Commercial Items
(DEVIATION 2017-00007)

13.500 General. (DEVIATION 2017-00007)

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(c) Under [41 U.S.C. 1903](#), the simplified acquisition procedures authorized in this subpart may be used for acquisitions that do not exceed \$13 million when—

(1) The acquisition is for commercial items that, as determined by the head of the agency, are to be used in support of a contingency operation or to facilitate the defense against or recovery from **cyber**, nuclear, biological, chemical, or radiological attack; **international disaster assistance; or an emergency or major disaster**; or

(2) The acquisition will be treated as an acquisition of commercial items in accordance with [12.102\(f\)\(1\)](#).

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