



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class deviation is effective upon signature, and remains in effect until incorporated in the DFARS or until otherwise rescinded.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](mailto:amy.williams@osd.mil).

Domenic Cipicchio  
Acting Director, Defense Procurement  
and Acquisition Policy

Attachment:  
As stated

cc:  
DSMC, Ft. Belvoir



Attachment 1, Deviation 2005-O0005  
Hurricane Katrina Relief Efforts  
Applicable Laws for Acquisition of Commercial Items  
that do not Exceed the Simplified Acquisition Threshold

Oral certifications are acceptable, as long as the file is documented.

I. Buy American/Trade Agreements/Other Source Restrictions

Statute or Executive order (E.o.)	Threshold	Requirements	For more information see FAR/DFARS
Buy American Act (41 U.S.C. 10a-10d)	>\$15,000	Obtain oral certification that the supplies are domestic or qualifying country end products or document the file that domestic end products are unavailable at a reasonable price (< 50% more than foreign).	252.225-7000
Canadian Free Trade Agreement (FTA)	\$25,000 - \$58,550	If buying items listed at DFARS 225.401-70, obtain oral certification that the supplies are providing a U.S.-made product, or the products of Canada or a qualifying country, unless domestic end products are not available at a reasonable price.	252.225-7035
Other FTAs	\$58,550 - \$175,000	If buying items listed at DFARS 225.401-70, obtain oral certification that the supplies are U.S.-made product, or the products of an FTA or qualifying country, unless domestic end products are not available at a reasonable price.	252.225-7035
World Trade Organization-Government Procurement Agreement (WTO-GPA)	>\$175,000	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.	252.225-7020

Various E.o.'s and 31 CFR Chapter 5		Do not buy 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	52.225-13
10 U.S.C. 2410i		If the offeror is a foreign person, company, or entity, obtain oral certification that the offeror does not comply with the Secondary Arab Boycott of Israel or knowingly take any action which 50 U.S.C. 2407(a) prohibits a U.S. person from taking.	252.225-7031

## II. Application of Labor Laws.

Statute or Executive order (E.o.)	Threshold	Requirements	For more information see DFARS
41 U.S.C. 351 ,et seq	>2,500	Service Contract Act of 1965, As Amended applies to service contracts over \$2,500 that are subject to the Service Contract Act and will be performed in the United States.	52.215-15
E.O. 11246	>\$10,000	Obtain oral representation that the contractor complies with Equal Employment Opportunity (EEO), and has a written affirmative action program for each of its establishments.	222.804 52.222-26
38 U.S.C. 4212	>\$25,000	The contractor agrees to comply with Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans.	52.222-35
29 U.S.C. 793	>\$10,000	The contractor agrees to comply with Affirmative Action for Workers with Disabilities.	52.222-36
38 U.S.C. 4212	>\$25,000	The contractor agrees to comply with Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans	52.222-37

### III. Small Business Programs

Statute or Executive order (E.o.)	Threshold	Requirements	For more info see DFARS
Small Business Act	>\$15,000	Follow the procedures at FAR Part 19 and DFARS Part 219 for acquisitions exceeding the micropurchase threshold. Document type of set aside, business size, and ownership status.	219

### IV. Other compliances

Other compliances.	Obtain agreement from the contractor that it will comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.	
31 U.S.C. 1352 18 U.S.C. 431 40 U.S.C. 327, et seq. 41 U.S.C. 51-58 41 U.S.C. 265 49 U.S.C. 40118 41 U.S.C. 423	Obtain an agreement from the contractor that it will comply with 31 U.S.C. 1352 anti-lobbying legislation; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 3701, et seq., Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409 relating to whistleblower protections; 49 U.S.C. 40118, Fly American; and 41 U.S.C. 423 relating to procurement integrity.	52.212-4