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**Parent topic:** Federal Acquisition Regulation

## **18.000 Scope of part.**

(a) This part identifies *acquisition* flexibilities that are available for *emergency acquisitions*. These flexibilities are specific techniques or procedures that *may* be used to streamline the standard *acquisition* process. This part includes-

(1) Generally available flexibilities; and

(2) *Emergency acquisition flexibilities* that are available only under prescribed circumstances.

(b) The *acquisition* flexibilities in this part are not exempt from the requirements and limitations set forth in FAR part 3, Improper Business Practices and Personal Conflicts of Interest.

(c) Additional flexibilities *may* be authorized in an *executive agency* supplement to the FAR.

## **18.001 Definition.**

*Emergency acquisition flexibilities*, as used in this part, means flexibilities provided with respect to any *acquisition* of *supplies* or *services* by or for an *executive agency* that, as determined by the head of an *executive agency*, *may* be used-

(a) In support of a *contingency operation* as defined in 2.101;

(b) To facilitate the defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack against the *United States*;

(c) In support of a request from the Secretary of State or the Administrator of the *United States*

Agency for International Development to facilitate the provision of international disaster assistance;  
or

(d) When the President issues an *emergency* declaration, or a *major disaster* declaration.

## **Subpart 18.1 - Available Acquisition Flexibilities**

### **18.101 General.**

The FAR includes many *acquisition* flexibilities that are available to the *contracting officer* when certain conditions are met. These *acquisition* flexibilities do not require an *emergency* declaration or designation of *contingency operation*.

### **18.102 System for Award Management.**

(a) In accordance with 4.1102, contractors are not required to be *registered in the System for Award Management (SAM)* at the time of submission of *offers* or quotations for—

(1) Contracts awarded without providing for *full and open competition* due to unusual and compelling urgency (see 6.302-2); or

(2) Contracts awarded by a *contracting officer*—

(i) Deployed in the course of military operations;

(ii) Located outside the *United States* and its *outlying areas*, for work to be performed in support of diplomatic or developmental operations, in an area that has been designated by the Department of State as a danger pay post; or

(iii) In the conduct of *emergency* operations.

(b) However, contractors are required to be registered in SAM in order to gain access to the *Disaster Response Registry*.

(c) *Contracting officers* shall consult the *Disaster Response Registry* via <https://www.sam.gov>, Search Records, Advanced Search, *Disaster Response Registry* Search to determine the availability of contractors for debris removal, distribution of *supplies*, reconstruction, and other disaster or *emergency* relief activities inside the *United States* and *outlying areas*. (See 26.205).

### **18.103 Synopses of proposed contract actions.**

*Contracting officers* need not submit a synopsis notice when there is an unusual and compelling urgency and the Government would be seriously injured if the agency complied with the notice time periods. (See 5.202(a)(2).)

### **18.104 Unusual and compelling urgency.**

Agencies *may* limit the number of sources and *full and open competition* need not be provided for *contracting* actions involving urgent requirements. (See [6.302-2](#).)

### **18.105 Federal Supply Schedules (FSSs), multi-agency blanket purchase agreements (BPAs), and multi-agency indefinite delivery contracts.**

Streamlined procedures and a broad range of goods and services *may* be available under Federal Supply Schedule contracts (see [subpart 8.4](#)), multi-agency BPAs (see [8.405-3\(a\)\(6\)](#)), or multi-agency, indefinite-delivery contracts (see [16.505\(a\)\(8\)](#)). These *contracting* methods *may offer* agency advance planning, pre-negotiated *line items*, and special terms and conditions that permit rapid response.

### **18.106 Acquisitions from Federal Prison Industries, Inc. (FPI).**

Purchase from FPI is not mandatory and a waiver is not required if public exigency requires immediate delivery or performance (see [8.605\(b\)](#)).

### **18.107 AbilityOne specification changes.**

*Contracting officers* are not held to the notification required when changes in AbilityOne specifications or descriptions are required to meet *emergency* needs. (See [8.712\(d\)](#).)

### **18.108 Qualifications requirements.**

Agencies *may* determine not to enforce *qualification requirements* when an *emergency* exists. (See [9.206-1](#).)

### **18.109 Priorities and allocations.**

The Defense Priorities and Allocations System (DPAS) supports approved *national defense*, *emergency* preparedness, and energy programs and was established to facilitate rapid industrial mobilization in case of a national *emergency*. (See [subpart 11.6](#).)

### **18.110 Soliciting from a single source.**

For purchases not exceeding the *simplified acquisition threshold*, *contracting officers* may solicit from one source under certain circumstances. (See [13.106-1\(b\)](#).)

### **18.111 Oral requests for proposals.**

Oral requests for proposals are authorized under certain conditions. (See [15.203\(f\)](#).)

### **18.112 Letter contracts.**

Letter contracts *may* be used when contract performance *must* begin immediately. (See [16.603](#).)

### **18.113 Interagency acquisitions.**

*Interagency acquisitions* are authorized under certain conditions. (See [subpart 17.5](#).)

### **18.114 Contracting with the Small Business Administration (The 8(a) Program).**

Contracts *may* be awarded to the Small Business Administration (SBA) for performance by eligible 8(a) participants on either a sole source or competitive basis. (See [subpart 19.8](#).)

### **18.115 HUBZone sole source awards.**

Contracts *may* be awarded to Historically Underutilized Business Zone (*HUBZone*) small business concerns on a sole source basis. (See [19.1306](#).)

### **18.116 Service-disabled Veteran-owned Small Business (SDVOSB) sole source awards.**

Contracts *may* be awarded to Service-disabled Veteran-owned Small Business (SDVOSB) concerns eligible under the SDVOSB Program on a sole source basis. (See [19.1406](#).)

### **18.117 Awards to economically disadvantaged women-owned small business concerns and women-owned small business concerns eligible under the Women-Owned Small Business Program.**

Contracts *may* be awarded to economically disadvantaged women-owned small business (EDWOSB) concerns and women-owned small business (WOSB) concerns eligible under the WOSB Program on a competitive or sole source basis. (See [subpart 19.15](#).)

### **18.118 Overtime approvals.**

*Overtime* approvals *may* be retroactive if justified by *emergency* circumstances. (See [22.103-4\(i\)](#).)

### **18.119 Trade agreements.**

The policies and procedures of FAR [25.4](#) may not apply to *acquisitions* not awarded under *full and open competition* (see [25.401\(a\)\(5\)](#)).

### **18.120 [Reserved]**

### **18.121 Bid guarantees.**

The chief of the *contracting office* may waive the requirement to obtain a bid guarantee for *emergency acquisitions* when a performance bond or a performance bond and payment bond is required. (See [28.101-1\(c\)](#).)

### **18.122 Advance payments.**

Agencies may authorize advance payments to facilitate the *national defense* for actions taken under Public Law 85-804 (see [subpart 50.1](#), Extraordinary Contractual Actions). These advance payments may be made at or after award of sealed bid contracts, as well as negotiated contracts. (See [32.405](#).)

### **18.123 Assignment of claims.**

The use of the no-setoff provision may be appropriate to facilitate the *national defense* in the event of a national *emergency* or natural disaster. (See [32.803\(d\)](#).)

### **18.124 Electronic funds transfer.**

*Electronic funds transfer* payments may be waived for *acquisitions* to support unusual and compelling needs or *emergency acquisitions*. (See [32.1103\(e\)](#).)

### **18.125 Protest to GAO.**

When urgent and compelling circumstances exist, agency protest override procedures allow the *head of the contracting activity* to determine that the *contracting process* may continue after GAO has received a protest. (See [33.104\(b\)](#) and (c).)

### **18.126 Contractor rent-free use of Government property.**

Rental requirements do not apply to items of Government production and research property that are part of a general program approved by the Federal *Emergency Management Agency* and meet certain criteria. (See [45.301](#).)

## **18.127 Extraordinary contractual actions.**

subpart 50.1 prescribes policies and procedures for entering into, amending, or modifying contracts in order to facilitate the *national defense* under the extraordinary *emergency* authority granted by Public Law 85-804 (50 U.S.C. 1431-1434). This includes-

- (a) Amending contracts without consideration (see 50.103-2(a));
- (b) Correcting or mitigating mistakes in a contract (see 50.103-2(b)); and
- (c) Formalizing informal commitments (See 50.103-2(c)).

## **Subpart 18.2 - Emergency Acquisition Flexibilities**

### **18.201 Contingency operation.**

- (a) *Contingency operation* is defined in 2.101.
- (b) *Micro-purchase threshold*. The threshold increases when the *head of the agency* determines the *supplies* or services are to be used to support a *contingency operation*. (See 2.101 and 13.201(g).)
- (c) *Simplified acquisition threshold*. The threshold increases when the *head of the agency* determines the *supplies* or services are to be used to support a *contingency operation*. (See 2.101.)
- (d) SF 44, *Purchase Order-Invoice-Voucher*. The normal threshold for the use of the SF 44 is at or below the *micro-purchase threshold*. Agencies *may*, however, establish higher dollar limitations for purchases made to support a *contingency operation*. (See 13.306.)
- (e) *Simplified procedures for certain commercial products and commercial services*. The threshold limits authorized for use of this authority *may* be increased for *acquisitions* to support a *contingency operation*. (See 13.500(c).)

### **18.202 Defense or recovery from certain events.**

- (a) *Micro-purchase threshold*. The threshold increases when the *head of the agency* determines the *supplies* or services are to be used to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate provision of international disaster assistance; or to support response to an *emergency* or *major disaster*. (See 2.101.)
- (b) *Simplified acquisition threshold*. The threshold increases when the *head of the agency* determines the *supplies* or services are to be used to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate provision of international disaster assistance; or to support response to an *emergency* or *major disaster*. (See 2.101.)
- (c) *Commercial product or commercial service treatment*. Contracting officers may treat any *acquisition* of *supplies* or services as an *acquisition* of *commercial products* or *commercial services* if the *head of the agency* determines the *acquisition* is to be used to facilitate the defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack. (See 12.102(f)(1) and

13.500(c.)

(d) *Simplified procedures for certain commercial products and commercial services.* The threshold limits authorized for use of this authority *may* be increased when it is determined the *acquisition* is to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate provision of international disaster assistance; or to support response to an *emergency or major disaster*. (See 13.500(c.))

(e) *Sustainable products and services.* *Contracting officers* are encouraged, but not required, to procure *sustainable products and services* if the *head of the agency* determines the *supplies* or services are to be used to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate provision of international disaster assistance; or to support response to an *emergency or major disaster* (see 23.107(c)).

### **18.203 Emergency declaration or major disaster declaration.**

(a) Disaster or *emergency* assistance activities. Preference will be given to local organizations, firms, and individuals when *contracting* for *major disaster* or *emergency* assistance activities when the President has made a declaration under the Robert T. Stafford Disaster Relief and *Emergency* Assistance Act. Preference *may* take the form of local area set-asides or an evaluation preference. (See 6.208 and subpart 26.2.)

(b) Ocean transportation by U.S. flag vessels. The provisions of the Cargo Preference Act of 1954 *may* be waived in *emergency* situations. (See 47.502(c.))

### **18.204 Humanitarian or peacekeeping operation.**

(a) A *humanitarian or peacekeeping operation* is defined in 2.101.

(b) *Simplified acquisition threshold.* The threshold increases when the *head of the agency* determines the *supplies* or services are to be used to support a *humanitarian or peacekeeping operation*. (See 2.101.)

### **18.205 Resources.**

(a) *National Response Framework.* The National Response Framework (NRF) is a guide to how the Nation conducts all-hazards response. This key document establishes a comprehensive, national, all-hazards approach to domestic incident response. The Framework identifies the key response principles, roles and structures that organize national response. It describes how communities, States, the Federal Government, the private-sector, and nongovernmental partners apply these principles for a coordinated, effective national response. It also describes special circumstances where the Federal Government exercises a larger role, including incidents where Federal interests are involved and catastrophic incidents where a State would require significant support. The NRF is available at <https://www.fema.gov/media-library/assets/documents/117791>.

(b) *OFPP Guidelines.* The Office of Federal *Procurement* Policy (OFPP) "*Emergency Acquisitions Guide*" is available at [https://www.whitehouse.gov/wp-content/uploads/legacy\\_drupal\\_files/omb/assets/procurement\\_guides](https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/assets/procurement_guides)



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