

# Subpart 18.1 - Available Acquisition Flexibilities

**Parent topic:** [Part 18 - Emergency Acquisitions](#)

## 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\(c\)](#)).