



ACQUISITION
AND SUSTAINMENT

OFFICE OF THE ASSISTANT SECRETARY OF WAR

**3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000**

In reply refer to

DARS Tracking Number: 2026-O0004

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER
COMMAND (ATTN: ACQUISITION EXECUTIVE)
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
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Class Deviation—Revolutionary Federal Acquisition Regulation (FAR) Overhaul
Part 18, Defense FAR Supplement (DFARS) Part 218

Effective February 1, 2026, contracting officers shall use—

- The revised FAR Part 18, Emergency Acquisitions published on the Revolutionary FAR Overhaul web page at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-18> in lieu of the text codified at 48 CFR chapter 1 (<https://www.ecfr.gov>).
- The attached DFARS Part 218, Emergency Acquisitions in lieu of the text codified at 48 CFR chapter 2; and
- The attached DFARS Procedures, Guidance, and Information (PGI) 218, Emergency Acquisitions in lieu of the PGI text published on the Defense Pricing, Contracting, and Acquisition Policy web page at <https://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html>.

This class deviation implements the following:

- Section 2 of E.O. 14275, Restoring Common Sense to Federal Procurement, which establishes the policy that the FAR “should only contain provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed.

- Section 4(a) of E.O. 14265, Modernizing Defense Acquisitions and Spurring Innovation in the Defense Industrial Base which requires the Secretary of War to eliminate or revise any unnecessary supplemental regulations or any other internal guidance, such as relevant parts of the Financial Management Regulation and Defense Federal Acquisition Regulation Supplement.
- The Office of Management and Budget memorandum, M-25-26 issued on May 2, 2025, titled, Overhauling the Federal Acquisition Regulation, which provided additional guidance to federal agencies regarding the FAR overhaul.

This class deviation remains in effect until rescinded or incorporated into the FAR, DFARS, and DFARS PGI. Inquiries regarding this class deviation can be addressed to osd.pentagon.ousd-a-s.mbx.dfars@mail.mil.

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Attachments:
As stated

PART 218—EMERGENCY ACQUISITIONS

SUBPART 218.70—AVAILABLE ACQUISITION FLEXIBILITIES

218.7001 Additional acquisition flexibilities.

Additional acquisition flexibilities are available to DoD when supporting emergency acquisitions.

218.7001-1 General emergency flexibilities.

See the list of flexibilities at PGI 218.7001-1.

218.7001-2 Contingency operation.

See the list of flexibilities at PGI 218.7001-2.

218.7001-3 Defense or recovery from certain events.

For acquisitions that, as determined by the head of the contracting activity, are 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 the list of flexibilities at PGI 218.7001-3.

218.7001-4 Emergency declaration or major disaster declaration.

See the list of flexibilities at PGI 218.7001-4.

218.7001-5 Humanitarian or peacekeeping operation.

See the list of flexibilities at PGI 218.7001-5.

218.7001-6 Head of contracting activity determinations.

See PGI 218.7001-6 for delegations of authority.

218.7001-7 Use of electronic business tools.

When supporting a contingency operation or humanitarian or peacekeeping operation, follow the procedures at PGI 218.7001-7 concerning the use of electronic business tools.

PGI 218—EMERGENCY ACQUISITIONS

PGI 218.70—AVAILABLE ACQUISITION FLEXIBILITIES

PGI 218.7001 Additional acquisition flexibilities.

PGI 218.7001-1 General emergency flexibilities.

(a) *Circumstances permitting other than full and open competition.* Use of the authority at FAR 6.103-2, Unusual and compelling urgency, may be appropriate under certain circumstances. See PGI 206.

(b) *Use of advance Military Interdepartmental Purchase Request (MIPR).* For urgent requirements, the advance MIPR may be transmitted electronically. See PGI 208.

(c) *Use of the Governmentwide commercial purchase card.* Governmentwide commercial purchase cards use is not required for purchases valued at or below the micro-purchase threshold if the place of performance is entirely outside the United States. See part 213.

(d) *Master agreement for repair and alteration of vessels.* The contracting officer, without soliciting offers, may issue a written job order for emergency work to a contractor that has previously executed a master agreement, when delay would endanger a vessel, its cargo or stores, or when military necessity requires immediate work on a vessel. See part 217 and PGI 217.

(e) *Spare parts breakout program.* An urgent immediate buy need not be delayed if an evaluation of the additional information cannot be completed in time to meet the required delivery date. See PGI 217.

(f) *Storage and disposal of toxic and hazardous materials.* Under certain emergency situations, exceptions apply with regard to the prohibition on storage or disposal of non-DoD-owned toxic or hazardous materials on DoD installations. See part 223.

(g) *Authorization Acts, Appropriations Acts, and other statutory restrictions on foreign acquisition.* Acquisitions in the following categories are not subject to the restrictions of part 225, Restrictions on food, clothing, fabrics, specialty metals, and hand or measuring tools: (1) Acquisitions at or below the simplified acquisition threshold; (2) Acquisitions outside the United States in support of combat operations; (3) Acquisitions of perishable foods by or for activities located outside the United States for personnel of those activities; (4) Acquisitions of food, specialty metals, or hand or measuring tools in support of contingency operations, or for which the use of other than competitive procedures has been approved on the basis of unusual and compelling urgency in accordance with FAR part 6; (5) Emergency acquisitions by activities located outside the United States for personnel of those activities; and (6) Acquisitions by vessels in foreign waters. See part 225.

(h) *Rights in technical data.* The agency head may notify a person asserting a restriction that urgent or compelling circumstances (e.g., emergency repair or overhaul)

do not permit the Government to continue to respect the asserted restriction. See part 227.

(i) *Tax exemption in Spain.* If copies of a contract are not available and duty-free import of equipment or materials is urgent, the contracting officer may send the Joint United States Military Group copies of the Letter of Intent or a similar document indicating the pending award. See PGI 229.

(j) *Electronic submission and processing of payment requests.* Exceptions to the use of Wide Area WorkFlow are at part 232.

(k) *Mortuary services.* In an epidemic or other emergency, the contracting activity may obtain services beyond the capacity of the contractor's facilities from other sources. See part 237.

PGI 218.7001-2 Contingency operations.

(a) *Selecting appointing, and terminating the appointment for contracting officers.* See part 201 and DoD Instruction 5000.6 for waivers to the contracting officer qualification requirements pertaining to baccalaureate degrees.

(b) *Policy for item unique identification.* Contractors will not be required to provide DoD item unique identification if the items, as determined by the head of the contracting activity, are to be used to support a contingency operation. See part 211.

(c) *Use of the Governmentwide commercial purchase card.* Governmentwide commercial purchase cards use is not required for purchases valued at or below the micro-purchase threshold if the purchase or payment is for an overseas transaction by a contracting officer in support of a contingency operation, or for training exercises in preparation for overseas contingency, humanitarian, or peacekeeping operations. See part 213.

(d) *Governmentwide commercial purchase card.* A contracting office supporting a contingency operation or a humanitarian or peacekeeping operation may use the Governmentwide commercial purchase card to make a purchase that exceeds the micro-purchase threshold but does not exceed the simplified acquisition threshold if certain conditions are met. See part 213.

(e) *Imprest funds and third party drafts.* Imprest funds are authorized for use without further approval for overseas transactions at or below the micro-purchase threshold in support of a contingency operation or a humanitarian or peacekeeping operation. See part 213.

(f) *Standard Form (SF) 44, Purchase Order-Invoice-Voucher.* SF 44s may be used for purchases not exceeding the simplified acquisition threshold for overseas transactions by contracting officers in support of a contingency operation or a humanitarian or peacekeeping operation. See part 213.

(g) *Only one offer.* The requirements at sections 215.371-2 do not apply to acquisitions, as determined by the head of the contracting activity, in support of a contingency operation. See 215.371-4(a)(2).

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(h) *Approval of determination and findings for time-and-materials or labor-hour contracts.* The approval requirements in subpart 216.6 do not apply to contracts that, as determined by the head of the contracting activity, support contingency.

(i) *Undefinitized contract actions.* The head of the agency may waive certain limitations for undefinitized contract actions if the head of the agency determines that the waiver is necessary to support a contingency operation or a humanitarian or peacekeeping operation. See part 217.

(j) *Prohibited sources.* DoD personnel are authorized to make emergency acquisitions in direct support of U.S. or allied forces deployed in military contingency, humanitarian, or peacekeeping operations in a country or region subject to economic sanctions administered by the Department of the Treasury, Office of Foreign Assets Control. See part 225.

(k) *Authorization Acts, Appropriations Acts, and other statutory restrictions on foreign acquisition.* Acquisitions in the following categories are not subject to the restrictions of 225, Restrictions on food, clothing, fabrics, specialty metals, and hand or measuring tools: (1) Acquisitions at or below the simplified acquisition threshold; (2) Acquisitions outside the United States in support of combat operations; (3) Acquisitions of perishable foods by or for activities located outside the United States for personnel of those activities; (4) Acquisitions of food, specialty metals, or hand or measuring tools in support of contingency operations, or for which the use of other than competitive procedures has been approved on the basis of unusual and compelling urgency in accordance with FAR part 6; (5) Emergency acquisitions by activities located outside the United States for personnel of those activities; and (6) Acquisitions by vessels in foreign waters. See part 225.

(l) *Electronic submission and processing of payment requests.* Contractors do not have to submit payment requests in electronic form for contracts awarded by deployed contracting officers in the course of military operations, including contingency operations or humanitarian or peacekeeping operations. See part 232.

PGI 218.7001-3 Defense or recovery from certain events.

For acquisitions that, as determined by the head of the contracting activity, are 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, the following requirements do not apply:

(a) *Policy for unique item identification.* Contractors are not required to provide DoD unique item identification if the items are to be used to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack. However, contractors are not exempt from this requirement if the items are to be used to facilitate defense against or recovery from cyber attack. See part 211.

(b) *Only one offer requirements.* See subpart 215.3.

(c) *Approval of determination and findings for time-and-materials or labor-hour contracts.* See subpart 216.6.

PGI 218.7001-4 Emergency declaration or major disaster declaration.

(a) *Establishing or maintaining alternative sources.* PGI contains a sample format for Determination and Findings citing the authority of FAR part 6, regarding exclusion of a particular source in order to establish or maintain an alternative source or sources. Alternate 2 of the sample format addresses having a supplier available for furnishing supplies or services in case of a national emergency. See PGI 206.

(b) *Electronic submission and processing of payment requests.* Contractors do not have to submit payment requests in electronic form for contracts awarded by contracting officers in the conduct of emergency operations, such as responses to natural disasters or national or civil emergencies. See part 232.

PGI 218.7001-5 Humanitarian or peacekeeping operation.

The following requirements do not apply to acquisitions that, as determined by the head of the contracting activity, are in support of humanitarian or peacekeeping operations:

(a) *Policy for item unique identification.* See part 211.

(b) *Only one offer requirements at sections.* See subpart 215.3.

(c) *Approval of determination and findings for time-and-materials or labor-hour contracts.* See subpart 216.6.

PGI 218.7001-6 Head of contracting activity determinations.

(a) The term “head of the agency” is replaced with “head of the contracting activity,” in the following locations:

(1) FAR 2.101: definition of “simplified acquisition threshold.”

(2) FAR part 12: Treatment as a commercial product or service.

(3) FAR part 13.

(4) FAR part 18: Micro-purchase threshold and simplified acquisition threshold.

(b) The term “head of the executive agency” and “head of the contracting activity” have the following meaning.

(1) *Head of the executive agency* means the Secretary, unless otherwise indicated.

(2) *Head of the contracting activity* means the official who has overall responsibility for managing the contracting activity.]

PGI 218.7001-7 Use of electronic business tools.

(a) Use of electronic business (e-business) acquisition tools greatly enhances the efficacy of the contracting process in emergency-type operations (ETOs). ETOs can benefit from specific tools, policies, roles and responsibilities, and processes necessary to streamline delivery of goods and services to the end user. ETOs also can benefit from

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implementing an e-business program with the capabilities necessary to support an end-to-end electronic acquisition process in order to quickly obtain goods and services for the warfighter in an operational area. For additional information and resources pertaining to contingency e-business tools, see the Defense Pricing, Contracting, and Acquisition Policy contingency contracting resources page at: <https://www.acq.osd.mil/asda/dpc/cp/cc/cc-resources.html>.

(b) Use of the following contingency e-business tools is mandatory when automating the respective acquisition process during a contingency or humanitarian or peacekeeping operation:

(1) The 3in1 Tool. The 3in1 Tool automates the field order, receipt, and purchase processes previously executed manually using the paper Standard Form (SF) 44. The 3in1 handheld device records and transmits cash and carry type purchases and payment data to the prime database for remote reconciliation and review, when conducting on-the-spot, over-the-counter field purchases where use of the Government Purchase Card is appropriate, but not feasible. The 3in1 database may be accessed on the Joint Contingency and Expeditionary Services (JCXS) website at <https://www.jccs.gov/JCCSCOE>.

(2) The Acquisition Cross-Servicing Agreements (ACSA) Global Automated Tracking and Reporting System (AGATRS). AGATRS is an automated tool that tracks and provides visibility into worldwide ACSAs that may satisfy a requirement through support from the host nation or other nations supporting the operation. ACSA transactions that are used in support of contingency or humanitarian or peacekeeping operations are required to be documented and tracked in AGATRS as required by the Chairman of the Joint Chiefs of Staff Instruction 2120.01D, Acquisition and Cross Servicing Agreements (<https://www.jcs.mil/Portals/36/Documents/Library/Instructions/CJCSI%202120.01E.pdf>). AGATRS is accessible on the JCXS website at <https://www.jccs.gov/JCCSCOE>.

(c) No other electronic tools may be used to fulfill the same capabilities as 3in1 and AGATRS.

(d) See PGI 225 regarding use of the Theater Business Clearance e-business tool.