Memorandum

Date: April 19, 2019

From: Associate Executive Director, Office of Procurement Policy, Systems and Oversight (003A2), and Deputy Senior Procurement Executive

Subj: Class Deviation from the Federal Acquisition Regulation (FAR) to Remove the Requirement that Contracting Officers Make a Best Procurement Approach Determination to Use an Interagency Acquisition (FAR Case 2018-015) (VIEWS 00127686)

To: Heads of the Contracting Activities

1. Purpose. The purpose is to issue a class deviation, in accordance with FAR 1.404, Class Deviations, to remove the requirement in FAR 17.502-1(a) for contracting officers to make a best procurement approach determination to use an interagency acquisition. This deviation implements section 875 of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232).

2. FAR Parts Impacted. FAR Parts 4.603; 8.404; 17.502-1(a); and 35.017-3.

3. Effective Date. Immediately.

4. Expiration Date. This deviation remains in effect until the FAR is revised to implement Section 875 of the NDAA for FY 2019 or it is otherwise rescinded.

5. Applicability. This deviation applies to all interagency acquisitions.


7. Background. Section 875 of the John S. McCain NDAA for FY 2019 amends Section 865 of the NDAA for FY 2009 (Pub. L. 115-232) by removing the requirement for a requesting agency to make a best procurement approach determination prior to requesting another agency conduct an acquisition on its behalf. Accordingly, the Civilian Agency Acquisition Council (CAAC) issued CAAC Letter 2018-04 which authorizes agencies to issue a class deviation to implement Section 875 of the John S. McCain NDAA for FY 2019.

   a. Current FAR Policy. FAR 17.502-1(a) and associated parts require contracting officers to make a best procurement approach determination to use an interagency acquisition in accordance with Section 865 of the FY 2009 NDAA.

   b. Need for FAR Class Deviation. This deviation is needed to implement Section 875 of the John S. McCain NDAA for FY2019.
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c. New FAR Policy. Pursuant to CAAC Letter 2018-04, September 27, 2018, the requirement to make a best procurement approach determination when using an interagency acquisition in FAR 17.502-1(a) and related parts is removed. The CAAC Letter FAR text identifies the additions and deletions anticipated to implement Section 875 of the FY 2019 NDAA in the FAR. These rulemaking changes will be published in the Federal Register. Pending publication of the amendment to the FAR via FAR Case 2018-015, this class deviation removes the requirement in FAR 17.502-1(a) to make a best procurement approach determination to use an interagency acquisition.

d. Required Action. Contracting officers shall comply with the attached class deviation text. While the requirement for a best procurement approach determination is no longer required, contracting officers shall ensure the contract file reflects the contracting officer’s rationale for obtaining acquisition assistance from another agency consistent with FAR 4.801(b).

8. Additional information. Direct questions or concerns to the Office of Acquisition and Logistics (003A), Procurement Policy and Warrant Management Service (003A2A) via email at VA.Procurement.Policy@va.gov or (202) 632-5288.

/s/
D. Edward Keller, Jr.