

PART 218 - EMERGENCY ACQUISITIONS

[SUBPART 218.1 —AVAILABLE ACQUISITION FLEXIBILITIES](#)

[218.170 Additional acquisition flexibilities.](#)

[SUBPART 218.2 —EMERGENCY ACQUISITION FLEXIBILITIES](#)

[218.201 Contingency operation.](#)

[218.202 Defense or recovery from certain events.](#)

[218.203 Incidents of national significance, emergency declaration, or major disaster declaration.](#)

[218.204 Humanitarian or peacekeeping operation.](#)

[218.270 Head of contracting activity determinations.](#)

[218.271 Use of electronic business tools.](#)

Parent topic: [DARS1 Defense Federal Acquisition Regulation](#)

SUBPART 218.1 —AVAILABLE ACQUISITION FLEXIBILITIES

218.170 Additional acquisition flexibilities.

Additional acquisition flexibilities available to DoD are as follows:

(a) *Circumstances permitting other than full and open competition.* Use of the authority at FAR 6.302-2, Unusual and compelling urgency, may be appropriate under certain circumstances. See PGI [206.302-2](#).

(b) *Use of advance Military Interdepartmental Purchase Request (MIPR).* For urgent requirements, the advance MIPR may be transmitted electronically. See PGI [208.7004-3](#).

(c) *Use of the Governmentwide commercial purchase card.* Governmentwide commercial purchase cards do not have to be used for purchases valued at or below the micro-purchase threshold if the place of performance is entirely outside the United States. See [213.270\(c\)\(1\)](#).

(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 [223.7102\(a\)\(3\)](#) and (7).

(g) *Authorization Acts, Appropriations Acts, and other statutory restrictions on foreign acquisition.* Acquisitions in the following categories are not subject to the restrictions of [225.7002](#), 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 6.302-2; (5) Emergency acquisitions by activities located outside the United States for personnel of those activities; and (6) Acquisitions by vessels in foreign waters. See [227.7104](#); [232.7002](#)(a).

(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 [237.7003](#)(a) and [252.237-7003](#).

SUBPART 218.2 –EMERGENCY ACQUISITION FLEXIBILITIES

218.201 Contingency operation.

(1) *Selection, appointment, and termination of appointment.* Contracting officer qualification requirements pertaining to a baccalaureate degree and 24 semester credit hours of business related courses do not apply to DoD employees or members of the armed forces who are in a contingency contracting force. See [213.201](#)(g) and [213.270](#)(c)(3) and (5).

(4) *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 [213.301](#)(3).

(5) *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 [213.306](#)(a)(1)(B).

(7) *Only one offer.* The requirements at sections [216.601](#)(d)(3).

(9) *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 [225.7002](#), 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 6.302-2; (5) Emergency acquisitions by activities located outside the United States for personnel of those activities; and (6) Acquisitions by vessels in foreign waters. See [232.7002](#)(a)(4).

218.202 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:

(1) *Policy for unique item identification at [216.601\(d\)\(i\)\(A\)\(1\)](#) and (2)*. See [216.601\(d\)\(3\)](#).

218.203 Incidents of national significance, emergency declaration, or major disaster declaration.

(1) *Establishing or maintaining alternative sources*. PGI contains a sample format for Determination and Findings citing the authority of FAR 6.202(a), 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 [206.202](#).

(2) *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 [232.7002\(a\)\(4\)](#).

218.204 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:

(1) *Policy for item unique identification at [216.601\(d\)\(i\)\(A\)\(1\)](#) and (2)*. See [216.601\(d\)\(3\)](#).

218.270 Head of contracting activity determinations.

The term head of the agency is replaced with head of the contracting activity, as defined in FAR 2.101, in the following locations:

(a) FAR 2.101: definition of simplified acquisition threshold.

(b) FAR 12.102(f).

(c) FAR 13.201(g).

(d) FAR 13.500(c)(1).

(e) FAR 18.2.

218.271 Use of electronic business tools.

When supporting a contingency operation or humanitarian or peacekeeping operation, follow the procedures at PGI [218.271](#) concerning the use of electronic business tools.