

Subchapter 3001.4 Deviations from the FAR, HSAR, and HSAM**3001.403 Individual deviations.**

(a) The HCA, without delegation, is authorized to grant individual deviations, except when this authority has been otherwise assigned by regulation (See FAR 1.405 regarding requests for deviations from treaty requirements), statute (e.g., most Cost Accounting Standards (CAS) deviations must be granted by the CAS Board) or this manual. All deviations shall:

- (1) Be coordinated with legal counsel (include evidence of coordination with the record);
- (2) Cite the specific part of the FAR, HSAR, or this manual from which a deviation is required;
- (3) Set forth the nature of the deviation;
- (4) State the reasons for the action requested; and
- (5) State the known impact of the deviation.

(b) A copy of approved individual deviations shall be provided to the CPO within 5 working days of approval.

3001.404 Class deviations.

(a) The CPO is authorized to approve class deviations unless FAR 1.405(e) is applicable. Requests for class deviations to the FAR, HSAR, and this manual shall be endorsed by the HCA before submitting the request to the DHS OCPO, Executive Director, Acquisition Policy and Oversight for processing and approval by the CPO. Submit all requests using the format at HSAM Subchapter 3001.403.

- (2) Suggested changes to the FAR, HSAR, and this manual should be transmitted to the DHS, OCPO, Executive Director, Acquisition Policy and Oversight, after review and approval of the HCA requesting the change. Recommended FAR changes determined appropriate by the CPO will be forwarded by the CPO to the Civilian Agency Acquisition Council (CAAC).