



Homeland
Security

December 6, 2019

MEMORANDUM FOR: Heads of Contracting Activities

FROM: Soraya Correa
Chief Procurement Officer

A handwritten signature in blue ink, appearing to read "Soraya Correa".

SUBJECT: Federal Acquisition Regulation Class Deviation (Number 20-02) –
Written Acquisition Planning Requirements

Purpose: This class deviation is issued in accordance with Federal Acquisition Regulation (FAR) 1.404 to authorize DHS contracting activities to deviate from the requirements at FAR 7.103(e), requiring a written acquisition plan (AP) be prepared for cost reimbursement and other high-risk contracts (e.g., other than firm-fixed-price contracts (OTFFP)), and FAR 7.105, Contents of written acquisition plans. Written APs shall be prepared for OTFFP actions above the simplified acquisition threshold (SAT). The acquisition workforce shall use the DHS written AP template when a written AP is required in lieu of the requirements identified in FAR 7.105.

Effective Date: December 6, 2019

Background: The DHS, Office of the Chief Procurement Officer (OCPO) proposes to deviate from:

- (1) FAR 7.103(e), states, “[a] written plan shall be prepared for cost reimbursement and other high-risk contracts other than firm-fixed-price contracts (e.g., other than firm-fixed-price contracts), although written plans may be required for firm-fixed-price contracts as appropriate.” DHS will only require a written AP for OTFFP actions above the SAT.

Under FAR 7.103(e) an Agency head can establish criteria and thresholds at which increasingly greater detail and formality in the planning process is required as the acquisition becomes more complex and costly. As such, the DHS Chief Procurement Officer (CPO) has determined that a written AP will not be required for OTFFP actions below the SAT because these actions represent a low risk to the Department. While OTFFP actions can be high risk, the level of risk and complexity associated with such low dollar value procurements is de minimis. During Fiscal Year (FY) 2018, DHS executed 352 OTFFP contract actions under the SAT. These actions totaled \$48.1M and represent approximately 0.26% percent (by dollar value) of the Department’s procurement obligations for the FY awarded as OTFFP under the SAT. Likewise, during FY 2019, DHS executed 299 OTFFP contract actions under the SAT. These actions totaled \$45M and again represent approximately 0.26% percent (by dollar value) of the Department’s procurement obligations for the FY awarded as OTFFP under the SAT. In

keeping with the tenets of simplified acquisition procedures DHS seeks to reduce administrative costs and avoid unnecessary administrative burdens for the agency.

FAR 7.105 identifies the content requirements for written acquisition plans. DHS created a written AP format that uses a subset of the requirements. Overall, FAR 7.105(a) and (b) combine procurement specific information with acquisition program specific information. For DHS major acquisition programs, much of the program level content required by FAR 7.105(a) and (b), is already covered in separate program documentation required under MD 102, Acquisition Management Directive. FAR 7.105 states “[t]he plan must address all the technical, business, management, and other significant considerations that will control the acquisition. The specific content of plans will vary, depending on the nature, circumstances, and stage of the acquisition.” Based on this guidance, instead of all of the requirements outlined in FAR 7.105(a) and (b), DHS streamlined the written AP format.

To complement the AP format, during FY 2019, the OCPO expanded its acquisition planning policy to include a pre-planning process entitled the Procurement Strategy Roadmap (PSR). The PSR creates early collaboration on the procurement strategy for certain dollar thresholds, and ensures the Department considers the best procurement strategy prior to the drafting of the AP. The process builds on contracting activities’ pre-planning process to engage the program office and key decision-makers, including the requirements owner and CPO in a pre-planning discussion. The PSR addresses the high-risk areas for the procurement,

Applicability: This class deviation applies to all new procurements where an AP has not already been developed and signed. Under certain circumstances, procurements that have already been approved by the CPO under a program AP may not require a new AP. If the procurement is currently covered by an approved program AP, please contact the Executive Director of the OCPO/Acquisition Policy and Oversight Division to see if a new AP is required.

Expiration: This class deviation will remain in effect until rescinded.

Questions or comments about this class deviation may be directed to Candace Lightfoot at Candace.Lightfoot@hq.dhs.gov.

**Class Deviation from the Federal Acquisition Regulation (FAR)
Regarding FAR 7.103(e) and FAR 7.105 Written Acquisition Planning Requirements**

This Determination and Findings supports the decision for the Department of Homeland Security (DHS) to deviate from FAR 7.103(e) and 7.105.

Findings

- (1) FAR 7.103(e), states, “[a] written plan shall be prepared for cost reimbursement and other high-risk contracts (e.g., other than firm-fixed-price contracts), although written plans may be required for firm-fixed-price contracts as appropriate.” DHS will only require a written AP for OTFFP actions above the SAT.
- (2) FAR 7.105 identifies the content requirements for written acquisition plans. DHS has created an AP template that uses a subset of the requirements listed in FAR 7.105. The acquisition workforce shall use the DHS written AP template when a written AP is required in lieu of the requirements identified in FAR 7.105.
- (3) The DHS written AP template will be added to the Homeland Security Acquisition Manual as Appendix Z.

Determination

In accordance with FAR 1.404, I hereby issue a class deviation implementing changes to the DHS acquisition planning policy.

As required by FAR 1.404, the Office of the Chief Procurement Officer has consulted with the Chairperson of the Civilian Agency Acquisition Council (CAAC) regarding this class deviation.

This class deviation will remain in effect until it is incorporated into the Homeland Security Acquisition Regulation or is otherwise rescinded.



Soraya Correa
Chief Procurement Officer
Department of Homeland Security

December 6, 2019

Date