



March 28, 2020

MEMORANDUM FOR Heads of the Contracting Activities

FROM: Soraya Correa  
Chief Procurement Officer

**SORAYA  
CORREA**

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Date: 2020.03.28  
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SUBJECT: Class Deviation 20-01 from 3006.102(b), 3006.304(e), 3007.102-70, 3007.172, 3008.404(a)(1), 3013.501(a)(3), 3016.505(b)(1)(iii)(A), 3017.7203(d)(2), 3025.103(b)(2) and (b)(3), 3025.103(c) and (d), and 3025.202(a)(2) and (3) of the Homeland Security Acquisition Manual

## 1. Purpose:

This class deviation from the Homeland Security Acquisition Manual (HSAM) suspends the following HSAM requirements to facilitate the rapid procurement of supplies and materials (including construction materials) required during the Coronavirus (COVID-19) emergency:

- One-Bid Award Questionnaire completion requirements of HSAM 3006.102(b), 3008.404(a)(1), 3016.505(b)(1)(iii), and 3017.7203(d)(2);
- Procurement Strategy Roadmap (PSR) requirements of HSAM 3007.102-70;
- Acquisition Planning Forecast System (APFS) requirements of HSAM 3007.172; and
- Buy American Act (BAA) advance review and approval requirements of HSAM 3006.304(e), 3013.501(a)(3), 3025.103(b)(2) and (b)(3), 3025.103(c) and (d), and 3025.202(a)(2) and (3); and
- BAA solicitation requirements of HSAM 3025.103(b)(3).

## 2. Background:

**One-Bid Award Questionnaire:** HSAM 3006.102(b), 3008.404(a)(1), 3016.505(b)(1)(iii) and 3017.7203(d)(2) requires contracting officers to complete a One-Bid Award Questionnaire when the award exceeds \$250,000 within seven days of email notification from the DHS Enterprise Reporting Application (ERA).

**PSR:** HSAM 3007.102-70 requires (a) Chief Procurement Officer (CPO) approval of the procurement strategy of certain procurement actions prior to the drafting of an acquisition plan; and (b) the HCA, along with key stakeholders, to present and discuss the proposed procurement strategy for procurement actions that meet the PSR threshold outlined in each HCA's Designation Letter.

**APFS:** HSAM 3007.172(a) requires an APFS record for all acquisitions over the simplified acquisition threshold (SAT) except as identified in HSAM Appendix H. HSAM 3007.172(e) requires contracting officers to not release any solicitations without first receiving a final APFS record from the requirements office.

**BAA Advance Review and Approval:**

- HSAM 3006.304(e) requires Chief Procurement Officer (CPO) review and approval of justifications and approvals that result in the invocation of the exception to the Buy American statute at FAR 25.103(b)(2) or 25.202(a)(2).
- HSAM 3013.501(a)(3) requires CPO review and approval of sole source (including brand name) justifications that result in the invocation of the exception to the Buy American statute at FAR 25.103(b)(2) or 25.202(a)(2).
- HSAM 3025.103(b)(2) requires Head of the Contracting Activity (HCA) concurrence on and CPO approval of individual nonavailability determinations.
- HSAM 3025.103(c) and (d) requires HCA concurrence on and CPO approval of unreasonable cost and resale determinations.
- HSAM 3025.202(a)(2) and (3) requires HCA concurrence on and CPO approval of unavailability and unreasonable cost determinations.

**BAA Solicitation Requirements:**

- HSAM 3025.103(b)(3) requires:
  - Acquisition to be unrestricted (i.e., not set-aside);
  - Period for submission of offers for the acquisition to be at least thirty calendar days; and
  - Contracting officer provide the CPO with a notice, through the DHS Buy American Reporting Tool, to make an award without a written nonavailability determination at least five calendar days before award.

As the Department's efforts to support the COVID-19 emergency response continues, it is imperative that all necessary flexibilities are available to ensure Components can quickly and efficiently support mission critical response efforts. As such, DHS must take immediate measures to prevent infection and slow the spread of the virus, and timely procure supplies and services in support of this effort. Needed supplies include personal protective equipment (PPE) such as respirators, masks, gloves, and hand sanitizer. Other requirements include medical and laboratory services and equipment, facilities for testing and quarantine, transportation services, and food and water. This list is not all-inclusive because many other

urgent procurement needs will arise as the pandemic situation evolves in the coming weeks and months.

Due to the heavy burden on the supply chain for supplies, services and facilities needed for the COVID-19 response effort, contracts and orders must be awarded quickly to ensure availability, even for deliveries weeks out. A delay in award due to Department-specific requirements could result in needed supplies being allocated to other competing orders placed with a vendor, resulting in failure to procure. Delays in procuring supplies and materials critical for testing and quarantine could result in an increase in transmission of the virus. In this situation, strict compliance with HSAM requirements could result in failure to procure, or to provide essential supplies and materials when needed to slow the spread of the virus, which would pose a substantial risk to human life, health, and safety.

### **3. Applicability:**

This class deviation applies to all new procurements and modifications to existing contracts or orders for supplies and materials in support of the COVID-19 emergency.

### **4. Component Responsibilities and Actions:**

Effective immediately, and only for procurements of supplies and materials in support of the COVID-19 emergency, contracting officers are not required to comply with the:

- a) One-Bid Award Questionnaire completion requirements of HSAM 3006.102(b), 3008.404(a)(1), 3016.505(b)(1)(iii) and 3017.7203(d)(2);
- b) PSR requirements of HSAM 3007.102-70. HCAs are instead only required to keep the CPO informed of procurements that meet the PSR threshold identified in the HCA Designation Letter.
- c) APFS record completion requirements of HSAM 3007.172(a) for actions over the SAT;
- d) BAA advance review and approval requirements of HSAM 3006.304(e), 3013.501(a)(3), 3025.103(b)(2) and (b)(3), 3025.103(c) and (d), and 3025.202(a)(2) and (3). Contracting officers shall continue to be guided by FAR 25.103 and 25.202 and are instead only required to notify the HCA and CPO, using the DHS Buy American Reporting Tool, of actions taken with regard to the impacted sections concurrent with contract award. **Note:** This does not suspend a contracting officer's responsibility to ensure the contract file for the effected procurement includes sufficient documentation to support the conditions at FAR 25.103 and 25.202 have been met.
- e) BAA solicitation requirements of HSAM 3025.103(b)(3).

**5. Expiration Date:**

This class deviation is applicable to procurements of supplies in support of the COVID-19 emergency until rescinded.

**6. Additional Information:**

Questions regarding this class HSAM deviation should be directed as follows:

- One-Bid Award Questionnaire – Joanne Battaglia at [Joanne.Battaglia@hq.dhs.gov](mailto:Joanne.Battaglia@hq.dhs.gov)
- APFS and PSR – Candace Lightfoot at [Candace.Lightfoot@hq.dhs.gov](mailto:Candace.Lightfoot@hq.dhs.gov)
- Buy American Act – Shaundra Ford at [Shaundra.Ford@hq.dhs.gov](mailto:Shaundra.Ford@hq.dhs.gov) and Binita Sharma at [Binita.Sharma@hq.dhs.gov](mailto:Binita.Sharma@hq.dhs.gov).

*Please be reminded to code all COVID-19 procurement actions in FPDS using the NIA Code, COVID-19 2020.*