

Subpart 501.4 - Deviations from the FAR and GSAR

Parent topic: [Part 501 - General Services Administration Acquisition Regulation System](#)

501.401 Definition.

For purposes of determining whether an individual or class deviation is appropriate, as used in FAR subpart 1.4 and in this subpart—

“Contract action” means—

(1) Any oral or written action that results in:

(i) The purchase, rent, or lease of supplies, services, or construction;

(ii) The lease of real property; or

(iii) Modifications to these actions.

(2) Contract actions include, but are not limited to:

(i) Leases for real property;

(ii) Definitive contracts;

(iii) Any type of contract or agreement against which calls, orders, or purchases may be placed (*e.g.*, governmentwide acquisition contracts, multi-agency contract, multiple-award contract, and blanket purchase agreements); and

(iv) Any call, order, or purchase made under leases for real property, contracts, or agreements.

501.402 Policy.

(a) Uniformity is a goal of GSA's Acquisition Management System. Despite this desire for uniformity, a contracting activity may take any of the following actions:

(1) Develop and test new acquisition policies, procedures, methods or techniques.

(2) Adopt alternate acquisition policies, procedures, methods, or techniques to satisfy unique programmatic or managerial requirements.

(3) Change an

(i) Existing non-regulatory provision, or

(ii) Existing regulatory provision, including those implementing a statutory requirement provided the deviation does not violate the underlying statute.

(b) Deviations, as described by paragraph (a) of this section, must not be used to defeat the FAR or GSAM approval requirements.

(c) When an HCA believes that a deviation may be required on a permanent basis, the HCA should recommend an appropriate FAR or GSAM revision. Recommendations shall be submitted to the Office of Acquisition Policy.

501.403 Individual deviations.

(a) Individual deviations to the FAR may be approved by the HCA. HCAs may designate approval authority for individual deviations to the FAR to a level no lower than the Contracting Executive.

(b) Individual deviations to the GSAM may be approved by the HCA. HCAs may designate approval authority for individual deviations to the GSAM to a level no lower than the Contracting Executive.

(c) If GSA delegates authority to another agency and requires compliance with the GSAM as a condition of the delegation, the Contracting Director in the agency receiving the delegation may approve individual deviations from the GSAM, unless the agency head receiving the delegation designates another official.

(d) Copies of approved individual deviations shall be sent to the Office of Acquisition Policy within five business days after approval.

501.404 Class deviations.

(a) *General.* Class deviations to the FAR and the GSAM may be approved by the SPE, unless FAR 1.405(e) is applicable. A deviation to a multiple-award contract as defined in FAR 2.101 is considered to be a class deviation.

(b) *Submission requirements.* Class deviation requests shall be submitted through the contracting activity's respective policy organization (*e.g.*, FAS' Office of Policy and Compliance and PBS' Office of Acquisition) to spe.request@gsa.gov for SPE review and approval.

(c) *Expiration.* Unless otherwise specified in the deviation itself or extended, class deviations expire 12 months from the date of approval.

(d) *Other agencies.* If GSA delegates authority to another agency and requires compliance with the GSAM as a condition of the delegation, the HCA in the agency receiving the delegation may approve class deviations from the GSAM, unless the agency head receiving the delegation designates another official.

501.470 Content requirements.

(a) Deviation requests shall include the information in [501.304\(b\)](#) as well as the following information—

(1) Identification of the type deviation (*i.e.*, an individual or class deviation);

- (2) Identification of which paragraph(s) of FAR 1.401 best categorizes the request;
- (3) Citations to the specific part or parts of the FAR or GSAM from which a deviation is needed;
- (4) The proposed effective period of the deviation; and
- (5) If the request is to support a new acquisition, provide a copy of the draft solicitation and acquisition plan.