# Part 5118 - Emergency Acquisitions

The official AFARS regulation resides on the <u>Army's Knowledge Management Portal PAM</u>. If you do not have CAC access to PAM, please visit the Army Contracting Enterprise's public facing website "Army Connect" at <a href="https://www.army.mil/armycontracting#org-afars">https://www.army.mil/armycontracting#org-afars</a>. The AFARS will return to Acquisition.gov upon completion of the RFO.

(Revised 01 October 2024)

Subpart 5118.1 - Available Acquisition Flexibilities

5118.170 Additional acquisition flexibilities.

Subpart 5118.2 - Emergency Acquisition Flexibilities

5118.201 Contingency operation.

5118.202 Defense or Recovery from Certain Events.

5118.270 Head of contracting activity determinations.

## **Subpart 5118.1 - Available Acquisition Flexibilities**

#### 5118.170 Additional acquisition flexibilities.

- (a) See AFARS 5106.302-7(b)(2) for DPCAP Class Deviation 2024-O0005 instructions on use of other than competitive procedures under FAR 6.302-7 for "covered contracts".
- (h) The Assistant Secretary of the Army (Acquisition, Logistics and Technology), on a non-delegable basis, shall make the notification as described in DFARS 218.170(h).

### **Subpart 5118.2 - Emergency Acquisition Flexibilities**

#### 5118.201 Contingency operation.

(9) See Appendix - GG Table Of Contents.

### 5118.202 Defense or Recovery from Certain Events.

(c) In accordance with section (C)(4) of DPCAP Class Deviation 2024-O0005—Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel Contracting officers carrying out a procurement of a product or service for a covered contract may treat the product or service as a commercial product or a commercial service for the purpose of carrying out the procurement. See 5112.102 Applicability.(a)(i)(B)(3). See AFARS 5153.206-93 Instructions for

Congressional Notification Requirement When Utilizing the Authorities Conferred by paragraphs (B) – (G) of DPCAP Class Deviation 2024- 00005—Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel; Workload Forecasting Instructions and AFARS 5153.303-12 Format for Advance Congressional Notification When Utilizing Authorities Conferred by DPCAP Class Deviation 2024-00005—Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel. for instructions and sample format for reporting covered contracts applicable under this subpart to congressional defense committees.

### 5118.270 Head of contracting activity determinations.

(e) See Appendix - GG Table Of Contents.

See AFARS PGI 5118.2-1 for additional information on acquisition flexibilities.