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5106.302-7 Public Interest.

(b) Application. This authority may be used when —

(1) See Section B of [DPCAP Class Deviation 2024-O0005 Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel](#) for instructions on use of other than competitive procedures under FAR [6.302-7](#) for “covered contracts” defined as those awarded to

(A) build or replenish the stocks of critical munitions and other defense articles of DoD;

(B) provide materiel and related services to foreign allies and partners that have provided support to Ukraine, Taiwan, or Israel; or

(C) provide materiel and related services to Ukraine, Taiwan, or Israel.

(2) Authority to make the head of the agency determination specified at FAR [6.302-7\(a\)\(2\)](#) is delegated to the head of the contracting activity, who meets the eligibility criteria stated in the class deviation, regardless of the dollar value of the procurement action. See [Appendix GG](#) for further delegations.

(3) In lieu of the requirement at FAR [6.302-7\(c\)\(2\)](#), not later than 7 days before awarding a covered contract using the authority in paragraph (b)(1), the Army must submit written notification of use of this authority to the congressional defense committees. Contracting officers shall submit congressional notification for HQDA review, coordination, and/or approval via the Enterprise Task Management Software Solution (ETMS2) to the ODASA(P) directorate listed at AFARS [5101.290\(b\)\(1\)\(ii\)\(B\)](#).

(See AFARS [5153.206-92](#) and AFARS [5153.303-11](#) for determination and findings for other than full and open competition for covered contracts applicable under this subpart. See AFARS [5153.303-12](#) for sample congressional notification.)

Parent topic: [5106.302 Circumstances permitting other than full and open competition.](#)