

13.005 List of laws inapplicable to contracts and subcontracts at or below the simplified acquisition threshold.

(a) The following laws are inapplicable to all contracts and subcontracts (if otherwise applicable to subcontracts) at or below the *simplified acquisition threshold* pursuant to [41 U.S.C. 1905](#):

(1) [10 U.S.C. 983](#), Institutions of Higher Education that Prevent ROTC Access or Military Recruiting on Campus: Denial of Grants and Contracts from Department of Defense, Department of Education, and Certain Other Departments and Agencies (see [9.110](#)).

(2) [10 U.S.C. 3321\(b\)](#) and [41 U.S.C. 3901\(b\)](#) (*contract clause* regarding contingent fees).

(3) [10 U.S.C. 3841](#) and [41 U.S.C. 4706](#) (authority to examine books and records of (contractors)).

(4) [10 U.S.C. 4655](#) and [41 U.S.C. 4704](#) (prohibition on limiting subcontractors direct sales to the *United States*).

(5) [22 U.S.C. 2593e](#) Measures Against Persons Involved in Activities that Violate Arms Control Treaties or Agreements with the *United States*. (The requirement at [22 U.S.C. 2593e\(c\)\(3\)\(B\)](#) to provide a certification does not apply.)

(6) [31 U.S.C. 1354\(a\)](#) Limitation on Use of Appropriated Funds for Contracts with Entities Not Meeting Veterans' Employment Reporting Requirements (see [22.1302](#)).

(7) [41 U.S.C. 8102\(a\)\(1\)](#) (*Drug-Free Workplace*), except for individuals.

(b) The Federal *Acquisition* Regulatory Council (FAR Council) will include any law enacted after October 13, 1994, that sets forth policies, procedures, requirements, or restrictions for the *acquisition* of property or services, on the list set forth in paragraph (a) of this section. The FAR Council *may* make exceptions when it determines *in writing* that it is in the best interest of the Government that the enactment *should* apply to contracts or subcontracts not greater than the *simplified acquisition threshold*.

(c) The provisions of paragraph (b) of this section do not apply to laws that-

(1) Provide for criminal or civil penalties; or

(2) Specifically state that notwithstanding the language of [41 U.S.C. 1905](#), the enactment will be applicable to contracts or subcontracts in amounts not greater than the *simplified acquisition threshold*.

(d) Any individual *may* petition the Administrator, Office of Federal *Procurement* Policy (OFPP), to include any applicable provision of law not included on the list set forth in paragraph (a) of this section unless the FAR Council has already determined *in writing* that the law is applicable. The Administrator, OFPP, will include the law on the list in paragraph (a) of this section unless the FAR Council makes a determination that it is applicable within 60 days of receiving the petition.

Parent topic: Part 13 - Simplified Acquisition Procedures