

General Services Administration
Washington, DC 20405

ADM 2800.12B, Change 103
September 16, 2019

GSA ORDER

Subject: General Services Administration Acquisition Manual; GSAR Case 2016-G509, Updates to the Issuance of GSA's Acquisition Policy

1. **Purpose.** This order transmits a revision to the General Services Administration Acquisition Manual (GSAM).
2. **Background.** As part of GSA's regulatory reform efforts, GSA has been performing a comprehensive review of the regulatory requirements in the GSAR. As a part of these efforts, GSA identified several instances of internal agency guidance within GSAR part 501 that needs to be moved to the GSAM as non-regulatory. In addition, this case clarifies the process surrounding the issuance of GSA acquisition policy.
3. **Effective date.** This order is effective immediately.
4. **Explanation of changes.** This amendment includes both regulatory and non-regulatory changes. For full text changes of the amendment see GSAR 2016-G509 - Tab A - GSAM/GSAR Text, Line-In/Line-Out.

This amendment revises the regulatory language of GSAR part 501 to remove internal guidance from the regulatory and move it to the non-regulatory portion of the GSAM. The following is a summary of the revisions:

- Amends GSAR section 501.104 to remove paragraph (d) in its entirety as it was determined to be no longer necessary;
- Amends GSAR subsection 501.105-1 to remove paragraphs (c) and (d) in their entirety and revise paragraph (a) for purposes of updating the subsection concerning official publication of the GSAR;
- Amends GSAR subsection 501.105-3 to revise it in its entirety for purposes of updating it to reflect where one can obtain copies of the GSAR; and
- Amends GSAR subpart 501.4 to remove the subpart in its entirety from the GSAR and move it to the GSAM as non-regulatory.

This amendment also revises non-regulatory language of GSAM part 501 and subpart 507.1, as summarized below:

- Adds GSAM section 501.107 to provide GSA's supplement to the FAR concerning how to address requirements for a certification by a contractor or offeror;
- Revises GSAM section 501.170 in its entirety based on the revisions made to the GSAM under this Order;
- Removes GSAM section 501.171 in its entirety as a result of moving the

- requirements to the newly created GSAM subpart 501.3;
- Adds GSAM subpart 501.3 to provide GSA's supplement to the Federal Acquisition Regulation (FAR) regarding the issuance of agency regulations and internal agency policies, procedures, and guidance. Some of the information came from the previous GSAM section 501.171.
 - Adds GSAM subpart 501.4 to reflect its move from the GSAR to the GSAM as non-regulatory;
 - Adds GSAM subpart 501.5 to provide GSA's supplement to the FAR requirement concerning agency and public participation; and
 - Amends GSAM 507.105(c)(3) to revise paragraphs (i) and (ii) to reflect the requirements being moved to GSAM section 501.304.

5. Cancellations and Rescissions: MV-11-06 entitled, "Requirements for Preparation of Class Deviations to the GSAM" dated September 27, 2011 is canceled as a result of this Order.



Jeffrey A. Koses
Senior Procurement Executive
Office of Acquisition Policy
Office of Government-wide Policy

TAB AA – GSAM/GSAR Text, Line-In/Line-Out

GSAM Baseline: Change 100 effective 05/23/2019

- Additions to baseline made by rule are indicated by [bold text in brackets]
- Deletions to baseline made by rule are indicated by ~~strikethroughs~~
- Five asterisks (*****) indicate that there are no revisions between the preceding and following sections
- Three asterisks (***) indicate that there are no revisions between the material shown within a subsection

Part 501— General Services Administration Acquisition Regulation System

Subpart 501.1— Purpose, Authority, Issuance

501.104 Applicability.

(a) *General.* The GSAR applies to contracts for supplies or services, including construction.

(b) *Acquisition of leasehold interests in real property.* Part 570 establishes rules for the acquisition of leasehold interests in real property. Other provisions of 48 CFR Chapter 5 (GSAR) do not apply to leases of real property unless specifically cross-referenced in part 570.

(c) *Relationship to statute.* Some GSAR rules implement and interpret laws and other authorities affecting procurement. A GSAR rule specifically directed by statute has the force and effect of law.

(d) *GSAR/FAR Relationship.* ~~The GSAR may deviate from the Federal Acquisition Regulation (FAR) if authorized. If the GSAR does not implement the FAR, the FAR alone governs.~~

501.105 Issuance.

501.105-1 Publication and code arrangement.

The GSAR is published in the following sources:

- (a) ~~Daily issue of [T]the Federal Register [at <https://www.federalregister.gov/>].~~
- (b) Annual Code of Federal Regulations (CFR), as Chapter 5 of Title 48.
- (c) ~~GSA Acquisition Manual distributed within GSA.~~
- (d) ~~GSA Home Page at <http://www.gsa.gov>. Click on either "Government Agencies" or on "Business and Industry," then click on "Acquisition."~~

501.105-3 Copies.

The GSAR in CFR form may be purchased from: Superintendent of Documents, Government Printing Office, Washington, DC 20402.

[Copies of the GSAR may be purchased from the Government Printing Office at <https://www.gpo.gov/>. The GSAR is also available electronically at <https://www.ecfr.gov/> or at <https://www.acquisition.gov> under the agency supplements tab.]

[501.107 Certifications

(a) A new requirement for a certification by a contractor or offeror may not be included in the GSAR unless—

- (1) The certification requirement is specifically imposed by statute; or
- (2) Written justification for such certification is approved by all of the

following:

- (i) The head of the contracting activity (HCA);
- (ii) The Senior Procurement Executive (SPE); and
- (iii) The GSA Administrator.]

501.170 General Services Administration Acquisition Management System.

(a) *Description.* The General Services Administration Acquisition Management System consists of the General Services Administration Acquisition Regulation (GSAR) and agency and Service non-regulatory acquisition [policies and procedures] guidance documents. [The General Services Administration Acquisition Manual (GSAM) consolidates acquisition policies and procedures for all GSA personnel.]

[(b) *Applicability.* The GSAM applies to GSA contracts for supplies or services, including construction. The GSAM does not apply to the acquisition of leasehold interests in real property, unless specifically cross-referenced in [part 570](#).]

[c](b) *Format.* For users' convenience, the General Services Administration Acquisition Manual (GSAM) contains the GSAR and nonregulatory agency acquisition guidance. The GSAM adheres to GSAR numbering and drafting conventions [(see GSAR 501.105-2). Shading distinguishes regulatory material from non-regulatory material that applies internally to GSA.] GSAR material is shaded. Non-shaded material is non-regulatory. The shading distinguishes regulatory material from material that applies internally to GSA.

(c) *Agency Policy.* Although GSAM requirements are not all regulatory, occasionally the requirements are mandatory for GSA personnel. The mandatory requirements reflect agency policy which must be followed to ensure uniformity or for other reasons.

(d) *Applicability.* The GSAM applies to contracts for supplies or services, including construction.

(e) *Acquisition of leasehold interests in real property.* Part 570 establishes requirements for the acquisition of leasehold interests in real property. Other provisions

~~of the GSAM do not apply to leases of real property unless specifically cross-referenced in Part 570.~~

~~[d](f) Availability. The GSAM is available [electronically at <https://www.acquisition.gov/browsegsam>] on the GSA Home Page at <http://www.gsa.gov>. Click on either "Government Agencies" or on "Business and Industry," then click on "Acquisition." You may also link to the GSAM on Insite at <http://insite.gsa-private>. Click on "Business Hot Links," then on "Acquisition."~~

501.171 Other GSA publications.

501.171-1 GSA orders and handbooks.

~~(a) Heads of contracting activities (HCA's) may issue internal agency guidance, as described in FAR 1.301(a)(2), in the form of a GSA order or handbook.~~

~~(b) GSA orders and handbooks must not unnecessarily repeat, paraphrase, or otherwise restate the FAR, GSAR, or GSAM.~~

~~(c) The handbook, Writing GSA Internal Directives (OAD P 1832.3B), prescribes policies and procedures for issuing GSA orders and handbooks.~~

501.171-2 Acquisition letters.

~~(a) Acquisition letters provide interim policies and procedures pending incorporation in GSA orders or handbooks.~~

~~(b) Acquisition letters expire on the date specified in the acquisition letter or when the acquisition letter's contents are incorporated into the GSAM or FAR.~~

~~(c) The Office of Acquisition Policy (OAP) conducts a review of existing acquisition letters twice each year as part of GSA's Regulatory Agenda to prioritize resources for incorporating active acquisition letters into the GSAM or FAR.~~

~~(d) OAP is responsible for maintaining a current list of active acquisition letters in the OAP Acquisition Policy Library.~~

~~(i) When policies and procedures contained in acquisition letters are effective until incorporated into the GSAM or FAR and the content is incorporated into the GSAM or FAR the acquisition letter will be moved from "active" status in the OAP Policy Library to "inactive" status.~~

~~(ii) In cases where the policies and procedures are temporary, the AL will state the specific termination date in accordance with GSAM 501.171-2(f)(4). Once the termination date is reached, the AL will be moved from "active" status in the OAP Policy Library to "inactive" status.~~

~~(e) The Senior Procurement Executive and HCAs, or designees, may issue acquisition letters.~~

~~(f) The issuing official must coordinate each acquisition letter with appropriate offices including Acquisition Policy, Counsel, and the Inspector General. Any proposed policy or procedure that affects the operation of the small-business program, must be coordinated with the Office of Small Business Utilization (E).~~

~~(g) The issuing activity must identify each acquisition letter with an assigned number. The number should begin with the issuing office correspondence symbol, followed by the last two digits of the calendar year when issued, then numbered consecutively beginning with 1. For example, FC-97-5 would be the fifth acquisition letter issued by FSS in fiscal year 1997).~~

~~(h) The body of an acquisition letter should contain the following paragraphs, as appropriate:~~

- ~~(1) Purpose.~~
- ~~(2) Background.~~
- ~~(3) Effective date.~~
- ~~(4) Termination date.~~
- ~~(5) Cancellation.~~
- ~~(6) Applicability (offices to which the acquisition letter applies)~~
- ~~(7) Reference to regulations (FAR or GSAR), handbooks, or orders.~~
- ~~(8) Instructions/procedures.~~

~~(i) The issuing office is responsible for distributing its acquisition letters to affected contracting activities and the Office of Acquisition Policy. In addition copies should be distributed to:~~

~~(1) For acquisition letters issued by the Office of Acquisition Policy or a Central Office Service:~~

- ~~(i) Associate General Counsel.~~
- ~~(ii) The Administrative Policy and Information Management Division (CAI).~~

~~(2) For acquisition letters issued by a Region:~~

- ~~(i) Regional Counsel.~~
- ~~(ii) The regional clearance office as defined in the handbook, Writing GSA Internal Directives (OAD P 1832.3B).~~

~~(iii) Central office contracting activities, if appropriate.~~

~~(j) If an acquisition letter is distributed only electronically, then the issuing office may issue a notice to affected contracting activities, the Office of Acquisition Policy, and Associate General Counsel or Region Counsel in lieu of distributing paper copies. The notice must identify the subject, number, and location of the letter.~~

~~(k) Each issuing office must report on acquisition letters issued and canceled on a quarterly basis to the Office of Acquisition Policy. The Office of Acquisition Policy will issue a consolidated index of all acquisition letters issued or cancelled.~~

~~***~~

~~*****~~

[Subpart 501.3 Agency Acquisition Regulations

501.301 Policy.

(a)(1) GSA's implementation and supplementation of the Federal Acquisition Regulation (FAR) is issued in the GSAM, which includes the GSAR. The GSAM is under authorization and subject to the authority, direction, and control of the SPE. The GSAR contains acquisition policies and procedures that have a significant effect beyond the internal operating procedures of GSA or a significant cost or administrative impact on contractors or offerors.

(2) Relevant acquisition procedures, guidance, instruction, and information that do not meet the criteria in paragraph (a)(1) of this section are

issued through the non-regulatory portion of the GSAM (see 501.170) and other GSA publications (see 501.370).

(b) See 501.304 for when Federal Register publication is required for any acquisition policy, procedure, solicitation provision, contract clause, or form.

501.304 Agency control and compliance procedures.

(a) **Federal Register publication.** Federal Register publication is required for any acquisition policy, procedure, solicitation provision, contract clause, or form, that has a significant effect beyond the internal operating procedures of GSA or a significant cost or administrative impact on GSA contractors or offerors, including any significant revisions (see FAR 1.501-1 and 501.501(a)).

(1) SPE approval is required for all Federal Register publications covered by paragraph (a) of this section.

(2) The Office of Acquisition Policy will coordinate with the HCA or authorized designee to adjudicate any comments received in response to a Federal Register publication.

(b) **Business case.** When publication in the Federal Register or a change to the GSAM is identified by a contracting activity, the HCA shall develop and submit a business case to the SPE for review and approval. The business case shall include, at a minimum, the following information—

(1) The name of the Service (e.g., PBS) and, if applicable, the contracting activity requesting the change;

(2) The rationale supporting the need, including a—

(i) Description of the problem or matter to be addressed; and

(ii) Discussion of the benefit to the agency and/or organization.

(3) A discussion of the effect, if any, on GSA's internal operating procedures, including an analysis of any impact on the following—

(i) The acquisition workforce;

(ii) Another office within GSA (e.g., FAS, PBS, OSBU, OIG); or

(iii) Automated systems (i.e., financial and procurement).

(4) A discussion of the effect on contractors or offerors, if any, including an analysis of the following—

(i) The contracts and contractors affected (e.g. number, dollar value, and business size);

(ii) The estimated annual costs and benefits associated with the proposed change; and

(iii) The burden of new information collection requirements (see 44 U.S.C. 3501, et seq.), if any, associated with the proposed change (see 5 CFR 1320.8).

(5) An analysis of alternatives, risks, and risk mitigation;

(6) A discussion of the approach to be used to implement and monitor success;

(7) The proposed amendments to the FAR or the GSAM in line-in line-out format;

(8) A listing of the organization(s), if any, that have been briefed or involved in drafting the proposed amendments (e.g., Office of Federal Procurement Policy, Category Management Leadership Council); and

(9) A statement of legal sufficiency from the requestor's legal counsel.

(c) **Compliance.** HCAs are responsible for ensuring compliance with this section. At a minimum, HCAs should consider establishing a structure for reviewing new policies issued at a higher level (e.g., FAR and GSAM) and how this will facilitate the timely updating of any internal acquisition policy, procedure or guidance issued by the HCA consistent with their delegated authorities.

501.370 Other acquisition policies, procedures, and guidance.

(a) **SPE Issuance.** The SPE may issue an acquisition letter to provide interim acquisition policies, procedures, and guidance for a specific period of time or until such time that it can be incorporated into the GSAM or FAR, as applicable.

(b) **HCA Issuance.**

(1) HCAs, consistent with their delegated authorities, may issue internal acquisition policies, procedures, and guidance as described in FAR 1.301(a)(2) for their respective contracting activities.

(2) Internal acquisition policies, procedures, guidance shall not—

(i) Unnecessarily repeat, paraphrase, or otherwise restate the FAR, GSAM or SPE acquisition letters.

(ii) Except as required by law or as provided in subpart 501.4, conflict or be inconsistent with GSAM content.

(3) Prior to issuance, any new Service-level acquisition policy, procedure, or guidance shall be distributed to the following for review:

(i) The Office of Small Business Utilization, if applicable.

(ii) The Office of Acquisition Policy.

(c) **Contents.** All acquisition policy documents must contain the following elements, as appropriate—

(1) Purpose;

(2) Document type (e.g., policy, procedure, or guidance);

(3) Background;

(4) Effective period;

(5) Other affected or cancelled policies;

(6) Applicability (i.e., the offices to which the document applies);

(7) Instructions or requirements;

(8) Designated point of contact or e-mail address; and

(9) Supporting documents, as attachments.

(d) **Availability.** All GSA publications that include acquisition policies, procedures, or guidance (including those issued according to paragraph (b) of this section) must be accessible through the GSA Acquisition Policy Library available at <https://insite.gsa.gov/acquisitionpolicylibrary>.

(e) **Maintenance.**

(1) The Office of Acquisition Policy is responsible for maintaining a current list of acquisition policies, procedures, and guidance issued by the SPE within, or accessible through the GSA Acquisition Policy Library.

(2)(i) The Service-level policy organization (e.g., FAS' Office of Policy and Compliance and PBS' Office of Acquisition) is responsible for maintaining a current list of acquisition policies, procedures and guidance issued by their respective contracting activities within, or accessible through, the GSA Acquisition Policy Library.

(ii) Each HCA is responsible for reviewing new or amendments to existing acquisition policies, procedures and guidance issued at a higher level (e.g., FAR and GSAM) to ensure their existing acquisition policies, procedures and guidance are current. If changes are needed, the HCA shall—

- (A) Notify affected contracting activities; and
- (B) Update the GSA Acquisition Policy Library.

501.371 Regulatory Agenda Reviews.

(a) The Office of Acquisition Policy conducts a review of existing acquisition policies issued by the SPE biannually as part of GSA's Regulatory Agenda. The purpose of the review is to prioritize resources for incorporating, as appropriate, active acquisition policies into the FAR or GSAM or for taking other actions, as necessary, to ensure currency of the existing acquisition policies.

(b) HCAs are encouraged to review GSA's Regulatory Agenda and existing acquisition policies issued by their respective contracting activities and to provide recommendations to the Office of Acquisition Policy for inclusion in GSA's Regulatory Agenda.]

* * * * *

~~Subpart 501.4—Deviations from the FAR and GSAR~~

~~501.402 Policy.~~

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

- ~~(a) Develop and test new procedures and techniques.~~
- ~~(b) Adopt alternate procedures in the public interest for unique programmatic or managerial requirements.~~
- ~~(c) Deviate from a regulatory provision implementing a statutory requirement provided the deviation does not violate the underlying statute. Deviations must not be used to defeat the FAR and GSAR approval requirements.~~

~~501.403 Individual deviations.~~

- ~~(a) An individual deviation affects only one contract action.~~
 - ~~(1) The Head of the Contracting Activity (HCA) must approve an individual deviation to the FAR. The authority to grant an individual deviation may not be re-~~

~~delegated. A copy of the deviation must be provided to GSA's Senior Procurement Executive (SPE).~~

~~(2) An individual deviation to the GSAR must be approved by the HCA. The authority to grant an individual deviation may be re-delegated to the Contracting Director.~~

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

~~(c) Send a copy of each deviation to GSA's SPE (MV).~~

~~501.404 Class deviations.~~

~~(a) A class deviation affects more than one contract action. A deviation for any solicitation that will result in multiple awards or any solicitation under the multiple award Federal Supply Schedule program is considered to be a class deviation. Each award under such a solicitation is considered an individual contract action.~~

~~(1) A class deviation to the FAR must be forwarded by the cognizant HCA to GSA's SPE for approval. Prior to approving a class deviation to the FAR, the SPE will consult with the Chairman of the Civilian Agency Acquisition Council (CAAC) in accordance with FAR 1.404(a)(1).~~

~~(2) A class deviation to the GSAR must be forwarded by the cognizant HCA to GSA's SPE for approval.~~

~~(3) When an HCA knows that a proposed class deviation will be required on a permanent basis, the HCA should propose or recommend an appropriate FAR and/or GSAR revision.~~

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

~~(c) Send a copy of each deviation to GSA's SPE (MV).~~

~~(d) A request for class deviations must be supported by statements that fully describe the need for and the nature of the deviation.~~

~~(e) Class deviations from the GSAR:~~

~~(1) Expire in 12 months if not extended.~~

~~(2) May be rescinded earlier by GSA's SPE or by officials designated under paragraph (a) of this section without prejudice to any action taken previously.~~

~~501.404-70 Contract action.~~

~~Contract action. A contract action, for the purpose of determining whether an individual or class deviation is appropriate, has the same meaning as that used for~~

~~reporting contract actions to Federal Procurement Data System Next Generation (FPDS NG). A contract action includes, but is not limited to, any of the following:~~

- ~~(a) Initial letter contract.~~
- ~~(b) Definitive contract superseding letter contract.~~
- ~~(c) New definitive contract.~~
- ~~(d) Purchase order/BPA calls using simplified acquisition procedures.~~
- ~~(e) Orders under single award indefinite delivery contracts.~~
- ~~(f) Orders under BOA.~~
- ~~(g) Order/modification under Federal schedule contract.~~
- ~~(h) Modification.~~
- ~~(i) Termination for Default.~~
- ~~(j) Termination for Convenience.~~
- ~~(k) Order under multiple award contract.~~
- ~~(l) Initial load of Federal schedule contract.~~

501.404-71 Deviations to the nonregulatory GSAM.

~~Handle individual and class deviations to the nonregulatory (unshaded) part of the GSAM as stated in 501.403 and 501.404.~~

[Subpart 501.4—Deviations from the FAR and GSAM

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. This authority may not be delegated.

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

(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.]

* * * * *

[Subpart 501.5— Agency and Public Participation

501.501 Solicitation of agency and public views.

(a) A revision to the FAR or GSAM requires public participation through the rulemaking process if it is considered to be significant, as defined at FAR 1.501-1. For example, the revision—

- (1)** Contains a new certification requirement for contractors or offerors that is not imposed by statute (see FAR 1.107 and 501.107); or
- (2)** Will be used on a repetitive basis and imposes a new requirement for the collection of information from 10 or more members of the public (see FAR 1.106).

(b) A revision to the FAR or GSAM does not require public participation through rulemaking if it is not considered to be significant as defined at FAR 1.501-1. For example, the revision—

- (1)** Is for a single-use intended to meet the needs of an individual acquisition (e.g., a clause developed as a result of negotiations and documented in the business clearance or similar document), except for clauses that constitute a deviation as defined at FAR 1.401; or
- (2)** Is used on a repetitive basis, but does not impose a new requirement for the collection of information from 10 or more members of the public (e.g. a requirement for a statement of work)(see FAR 1.106).]

* * * * *

Subpart 507.1-Acquisition Plans

* * *

507.105 Contents of acquisition plans.

* * *

(c) Approval Thresholds.

* * *

(3) Acquisitions requiring additional transactional data reporting elements to those listed in subparagraph (b)(2) of clauses 552.216-75 and 552.238-74 Alternate I -

(i) Must be coordinated with the applicable category manager, and obtain approval by the HCA and ~~[SPE] Senior Procurement Executive~~

(ii) ~~All of the following information must be included~~ **[Must provide the information at 501.304(b)(4)]** in the rationale for adding transactional data reporting elements[.]:

~~(A) List of the data element(s) to be collected;~~

~~(B) Describe how the information will be used;~~

~~(C) Describe the method of submission (e.g. which information technology system will be used, what format(s) are acceptable);~~

~~(D) Address any potential duplication (i.e. does the contractor submit this data in any other method already?);~~

~~(E) Describe efforts to minimize burden on small business;~~

~~(F) Describe consequence to federal program if the element(s) are not collected;~~

~~(G) Describe alternatives to obtaining the information other than collecting it from the contractor through this clause;~~

~~(H) Identify whether or not this data will be made publically available and the rationale for this decision, and how the information will be published, if applicable;~~

~~(I) Estimated annual burden to the public in terms of hours. The estimate should indicate the number of contractors expected to report the data, frequency of reporting, annual hour burden, and an explanation of how the burden was estimated;~~

~~(J) Estimated annual cost to the public in terms of dollars. The estimate should be broken out by initial setup costs and the cost to maintain the reporting requirement; and~~

~~(K) Estimated total annual burden in terms of hours and dollars to the Government.~~

* * *

* * * * *