

# Part 1 - Federal Acquisition Regulations System

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## **1.000 Scope of part.**

This part describes the framework and guiding principles for the Federal Acquisition Regulations System (the System).

## **Subpart 1.1 - Framework**

### **1.101 Framework.**

(a) The System is a collection of acquisition regulations and guidance, and consists of the following:

(1) The Federal Acquisition Regulation (FAR), which is a single acquisition regulation for all acquisitions (see 2.101), and all executive agencies. The FAR is located at 48 CFR chapter 1.

(2) Agency acquisition regulations that implement or supplement the FAR (see 48 CFR chapters 2 through 99); and

(3) Acquisition guides, which show best practices (add link to location).

(b) The System does not include internal guidance supplementing agency acquisition regulations described in paragraph (a)(2) of this section.

The Federal Acquisition Regulations System is established for the codification and publication of uniform policies and procedures for acquisition by all executive agencies. The Federal Acquisition Regulations System consists of the Federal Acquisition Regulation (FAR), which is the primary document, and agency acquisition regulations that implement or supplement the FAR. The FAR System does not include internal agency guidance of the type described in [1.301](#)(a)(2).

## 1.102 Guiding principles for the System.

(a) The System will-

(1) Meet an agency's mission efficiently and effectively first;

(2) Ensure the most effective use of taxpayer dollars in ways that recognize the value of time, encourage innovation, promote merit, satisfy the customer, and balance these interests and objectives;

(3) Maximize buying commercial products or commercial services rather than requiring Government-unique solutions;

(4) Award contracts to contractors who demonstrate a superior ability to perform;

(5) Promote competition and fair opportunity;

(6) Conduct business with integrity, fairness, and openness; and

(7) Delegate the authority to make decisions and the accountability for the decisions to the lowest level within the System, consistent with law. The contracting officer must have the authority, to the maximum extent practicable and consistent with law, to determine how and when to apply rules, regulations, and policies on a specific contract.

(b)

(1) Acquisition team members in the System include Government acquisition representatives from the technical, supply, sourcing, small business and procurement areas; the customers they support; and the contractors who deliver the products and services.

(2) The role of each acquisition team member in the System is to exercise personal initiative and sound business judgment to meet the agency's mission and manage risk.

(3) To continually promote innovation, the FAR encourages acquisition team members to pursue new approaches, and document successes and lessons learned.

(4) In this spirit, acquisition team members may assume that if a specific strategy, practice, policy, or procedure is in the best interests of the Government and is not addressed in the FAR, nor prohibited by law (statute or case law), Executive order or other regulation, then they are allowed to use the strategy, practice, policy, or procedure.

(5) Acquisition team members should work together as a team and be empowered to make decisions within their area of responsibility.

(6) Acquisition team members can propose deviations from FAR regulations if the deviation would promote economy, efficiency, or innovation (see subpart 1.3).

(c) To achieve efficient operations, the System must focus on "risk management." Attempting to eliminate all risk is prohibitive in terms of cost to the taxpayer.

## 1.103 Authority.

(a) The System has been developed according to the requirements of 41 U.S.C. chapter 13, Acquisition Councils.

(b) The Federal Acquisition Regulatory Council, or FAR Council, consists of the Administrator for Federal Procurement Policy, the Secretary of Defense, the Administrator of General Services, and the Administrator of National Aeronautics and Space. The FAR is prepared and jointly issued by the FAR Council under their several statutory authorities.

## 1.104 Publication and code arrangement.

(a) Changes to the FAR are published in the daily issue of the Federal Register. A cumulative version of the FAR is published—

(1) In the Code of Federal Regulations (CFR), in an annually updated version, at <https://www.govinfo.gov/app/collection/cfr>, and as a daily updated version at [ecfr.gov](https://www.ecfr.gov); and

(2) In an enhanced daily updated version available at <https://www.acquisition.gov/browse/index/far>.

(b) Each numbered unit or segment (e.g., part, subpart, section, etc.) of an agency acquisition regulation that is codified in the CFR must begin with the chapter number. However, the chapter number assigned to the FAR will not be included in the numbered units or segments of the FAR.

(c) Using the FAR coverage at [9.106-4](#)(d) as a typical illustration, reference to the part would be "FAR [part 9](#)" outside the FAR and "[part 9](#)" within the FAR. Reference to the section would be "FAR [9.106](#)" outside the FAR and "[9.106](#)" within the FAR.

(d) If required by 41 U.S.C. 1707, proposed revisions must be published in the Federal Register for public comment.

(e) The General Services Administration is responsible for establishing and operating the FAR Regulatory Secretariat to publish and distribute the FAR through the CFR system.

## 1.105 OMB approval under the Paperwork Reduction Act.

The list of information collections and recordkeeping requirements contained in this regulation have been approved by the OMB. They can be found at [www.acquisition.gov/FAR-PRA](http://www.acquisition.gov/FAR-PRA).

## 1.106 Certifications.

Unless allowed under 41 U.S.C. 1304, the FAR must not require a certification from an offeror or contractor.

## 1.107 FAR conventions.

(a) *Words and terms.*

(1) Definitions in [part 2](#) apply to the entire regulation unless specifically defined in another part, subpart, section, provision, or clause. Words or terms defined in a specific part, subpart, section, provision, or clause have that meaning when used in that part, subpart, section, provision, or clause.

(2) Undefined words retain their common dictionary meaning.

(b) *Delegation of authority.* Each authority is delegable unless specifically stated otherwise.

(c) *Dollar thresholds.*

(1) Unless otherwise specified, a specific dollar threshold is the final anticipated dollar value of the action, including the dollar value of all options.

(2) The final anticipated dollar value must be the highest final priced alternative to the Government, including the dollar value of all options, if the action establishes—

(i) A maximum quantity of supplies or services to be acquired;

(ii) A ceiling price; or

(iii) The final price to be based on future events.

(d) *Applying FAR changes to solicitations and contracts.* Unless otherwise specified—

(1) FAR changes apply to solicitations issued on or after the effective date of the change;

(2) Contracting officers may, at their discretion, include the FAR changes in solicitations issued before the effective date, provided award of the resulting contract(s) occurs on or after the effective date; and

(3) Contracting officers may, at their discretion, include the changes in any existing contract with appropriate consideration.

(e) *Citations.* When the FAR cites a statute, Executive order, Office of Management and Budget circular, Office of Federal Procurement Policy policy letter, or relevant portion of the Code of Federal Regulations, the citation includes all applicable amendments, unless otherwise stated.

(f) *Required action.* When a sentence directs action, the contracting officer is responsible for the action, unless another party is expressly cited.

## 1.108 Statutory acquisition–related dollar thresholds-adjustment for inflation.

The FAR adjusts statutory acquisition-related dollar thresholds for inflation every 5 years. The statute at 41 U.S.C. 1908 establishes the calculation used to escalate the thresholds. The statute also identifies certain thresholds that must not be escalated. A matrix of the most recent calculations is available at <http://www.regulations.gov> (search FAR Case 2019-013, open the docket folder, and go to the supporting documents file).

## 1.109 Regulatory sunset.

All FAR sections that are not required by statute must expire 4 years after the effective date of the sections, unless renewed by the Federal Acquisition Regulatory Council.

## 1.110 Positive law codification.

Titles 40 and 41 of the United States Code were revised and reorganized, as a result of positive law codifications. A table identifying the original “popular name” of the public laws in those titles, and how they are referred to in the FAR, is available at [www.acquisition.gov/renamingpubliclaws](http://www.acquisition.gov/renamingpubliclaws).

## Subpart 1.2 - Agency Acquisition Regulations

### 1.201 Policy.

(a)

(1) An agency head may issue agency acquisition regulations that are necessary to implement the FAR, or to supplement the FAR to satisfy a specific agency need, according to 41 U.S.C. 1303(a)(2).

(2) Agency acquisition regulations must not—

(i) Unnecessarily repeat, paraphrase, or otherwise restate material contained in the FAR or higher-level agency acquisition regulations; or

(ii) Conflict or be inconsistent with the FAR, except as required by law or as provided in [subpart 1.3](#).

(b)

(1) If required by 41 U.S.C. 1707, agencies must publish their acquisition regulations for comment in the Federal Register. However, publication is not required for issuances that merely implement or supplement higher level issuances that have previously undergone the public comment process, unless such implementation or supplementation results in an additional significant cost or administrative impact on contractors or offerors or effect beyond the internal operating procedures of the issuing organization.

(2) Agencies must also comply with other applicable statutes, (*e.g.*, the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*) and the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*)).

(c) An agency head may authorize internal agency guidance at any organizational level (e.g., designations and delegations of authority, assignments of responsibilities, work-flow procedures, and internal reporting requirements). Internal agency guidance does not need to be published in the Federal Register for comment, unless the agency guidance has a significant effect beyond the internal operating procedures of the agency or creates an additional significant cost or administrative impact on contractors or offerors.

## Subpart 1.3 - Deviations from the FAR

### 1.300 Scope of subpart.

This subpart prescribes the policies and procedures for authorizing deviations from the FAR. Exceptions regarding the use of forms prescribed by the FAR are covered in part 53.

### 1.301 Definition.

*Deviation* means one or any combination of the following:

- (a) Issuing or using a policy, procedure, solicitation provision (see definition in [2.101](#)), contract clause (see definition in [2.101](#)), method, or practice of conducting acquisition actions of any kind at any stage of the acquisition process that is inconsistent with the FAR.
- (b) Leaving out any solicitation provision or contract clause when its prescription requires including it.
- (c) Using any solicitation provision or contract clause with modified or alternate language that is not authorized by the FAR (see definition of "modification" in [52.101\(a\)](#) and definition of "alternate" in [2.101](#)).
- (d) Using a solicitation provision or contract clause prescribed by the FAR on a substantially as follows or substantially the same as basis (see definitions in [2.101](#) and [52.101\(a\)](#)), if such use is inconsistent with the intent, principle, or substance of the prescription or related coverage on the subject matter in the FAR.
- (e) Authorizing lesser or greater limitations on the use of any solicitation provision, contract clause, policy, or procedure required by the FAR.
- (f) Issuing policies or procedures that govern the contracting process or otherwise control contracting relationships that are not incorporated into agency acquisition regulations according to [1.201\(a\)](#).



## 1.302 Policy.

(a) Unless not allowed by law, Executive order, or regulation, agencies may deviate from the FAR as specified in this subpart when necessary to meet an agency's specific needs (e.g., to encourage developing and testing new techniques and methods of acquisition).

(b) Refer to 31.101 for instructions on deviating from part 31, Contract Cost Principles and Procedures.

(c) Agencies are not authorized to deviate from 30.201-3 and 30.201-4, or the requirements of the Cost Accounting Standards Board (CASB) rules and regulations (48 CFR chapter 99). Refer to 30.201-5 for instructions on deviating from the Cost Accounting Standards.

## 1.303 Individual deviations.

Individual deviations affect only one contract action. The agency head may authorize individual deviations. The contracting officer must document the justification and agency approval in the contract file.

## 1.304 Class deviations.

(a) Class deviations affect more than one contract action. A deviation for any solicitation that will result in multiple contract awards will need to be done as a class deviation. When an agency knows that it will require a class deviation on a permanent basis, it may develop and propose a FAR revision.

(b) Agency heads may authorize class deviations from the FAR. Agency-specific class deviations must be approved by the FAR Council, except where required to implement agency-specific executive or statutory direction. Agencies requesting approval must send the proposed class deviation to the FAR Secretariat at [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov).

(c) The FAR Council will review and provide a decision to the requesting agency within 5 business days, unless the request is urgent. Urgent requests will be decided within 24 hours of receipt of the request. Agencies may proceed if they do not receive responses within these time frames.

(d) Agencies must email a copy of each agency-approved class deviation to the FAR Secretariat at [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov).

(e) The Administrator for Federal Procurement Policy may require the FAR Council to issue deviation guidance to promote uniformity .

## 1.305 Deviations pertaining to treaties and executive agreements.

(a) Deviations from the FAR that are necessary to comply with a treaty to which the United States is a party are authorized, unless the deviation would be inconsistent with FAR coverage based on a law enacted after the treaty's execution.

(b) Deviations from the FAR that are necessary to comply with an executive agreement (*i.e.*, a Government-to-Government agreement, including an agreement with international organizations, to which the United States is a party) are authorized unless the deviation would be inconsistent with FAR coverage based on law.

## Subpart 1.4 - Career Development, Contracting Authority, and Responsibilities

### 1.401 Contracting Functions.

The agency head may establish contracting activities and delegate contracting functions to the contracting activities. Per 41 U.S.C. 3102(b), agency heads may mutually agree to—

- (a) Delegate contracting functions and responsibilities from one agency to another; and
- (b) Create joint or combined offices to exercise acquisition functions and responsibilities.

### 1.402 Contracting officers.

#### 1.402-1 Authority.

(a) Only contracting officers may sign, administer, or terminate contracts on behalf of the Government. Contracting officers may bind the Government based on the authority delegated to them. The appointing authority must provide the contracting officer with clear instructions in writing about what they can and cannot do.

(b) Contracting officers have wide latitude to exercise business judgment.

#### 1.402-2 Responsibilities.

Contracting officers are responsible for—

- (a) Before signing a contract-

(1) Ensuring it meets all requirements of law, Executive orders, regulations, and all other applicable procedures, including clearances and approvals; and

(2) Ensuring funds are available for obligation;

(b) Ensuring compliance with the contract terms;

(c) Ensuring offerors and contractors receive impartial, fair, and equitable treatment; and

(d) Requesting and considering the advice of specialists in audit, law, engineering, information security, transportation, and other fields, as appropriate.

## 1.403 Selecting, appointing, and terminating the appointment for contracting officers.

### 1.403-1 General.

(a) 41 U.S.C. 1702(b)(3)(G) requires agency heads to establish and maintain a procurement career management program, which includes a system to select, appoint, and terminate contracting officers' appointments.

(b) Agency heads or their designees may select and appoint contracting officers and terminate their appointments.

(c) These selections and appointments must be consistent with Office of Federal Procurement Policy (OFPP) standards for skill-based training in performing contracting and purchasing duties as published in OFPP Policy Letter No. 05-01, Developing and Managing the Acquisition Workforce, April 15, 2005, and OFPP Memo dated January 19, 2023, Federal Acquisition Certification in Contracting (FAC-C) Modernization.

### 1.403-2 Appointment.

(a)

(1) Contracting officers must be appointed in writing, using a Standard Form (SF) 1402, Certificate of Appointment. The certificate must state any limitations placed on the contracting officer's scope of authority, other than limitations contained in applicable law or regulation.

(2) Appointing officials must keep copies of all current appointments.

(b)

(1) Agency heads should delegate micro-purchase authority to individuals who are employees of an executive agency or members of the Armed Forces of the United States who will use the supplies or services being purchased.

(2) Agency heads must appoint these individuals in writing but are not required to use an SF 1402.

### 1.403-3 Termination.

(a) Agency heads must terminate a contracting officer appointment by letter, unless the Certificate of Appointment contains other provisions for automatic termination.

(b) Terminations may occur for reasons such as reassignment, termination of employment, or unsatisfactory performance. Agency heads cannot terminate a contracting officer appointment retroactively.

## 1.404 Contracting officer's representative.

### (a) *Designation.*

(1) The contracting officer's representative (COR) must be nominated either by the requiring activity or according to agency procedures. The contracting officer designates and authorizes a COR, in writing and according to agency procedures. See 7.104(e), which directs the COR designation as early as possible.

(2) The COR designation must-

(i) Specify the extent of the COR's authority to act on behalf of the contracting officer;

(ii) Specify the period covered by the designation;

(iii) State the authority cannot be delegated further; and

(iv) State that the COR may be personally liable for unauthorized acts.

(3)

(i) Contracting officers may not delegate to a COR responsibilities that are delegated to a contract administration office under 42.202. Contracting officers may assign the COR other duties described at 42.302.

(ii) The contracting officer must communicate the COR's duties clearly and in writing.

(4) The contracting officer must send copies of the COR's designation to the contractor and the contract administration office.

(b) *Types of contracts and orders.* The contracting officer must assign a COR to all contracts and orders other than firm fixed-price contracts and orders. For firm fixed-price contracts and orders, the contracting officer may assign a COR.

(c) *COR Qualifications.* The COR-

(1) Must be a Government employee, unless otherwise authorized in agency regulations;

(2) Must be certified and must maintain certification. The certification must align with the current Office of Management and Budget memorandum on the Federal Acquisition Certification for Contracting Officer Representatives (FAC-COR) guidance, or for DoD, according to DoD policy guidance; and

(3) Must be qualified by training and experience.

(d) *Lack of authority.* A COR has no authority to make any commitments or changes that affect price, quality, quantity, delivery, or other terms and conditions of the contract. The COR must not direct the contractor or its subcontractors to operate in conflict with the contract terms and conditions.

(e) *Responsibilities.*

(1) A COR assists in the technical monitoring or administration of a contract.

(2) The COR must maintain a file for each assigned contract. The file must include, at a minimum—

(i) A copy of the contracting officer's letter of designation and other documents describing the COR's duties and responsibilities; and

(ii) Documentation of COR actions taken according to the delegation of authority.

## 1.405 Ratification of unauthorized commitments.

(a) *Definitions.*

As used in this section-

*Ratification* means the act of approving an unauthorized commitment by an official who has the authority to do so.

*Unauthorized commitment* means an agreement that is not binding solely because the Government representative who made it lacked the authority to enter into that agreement on behalf of the Government.

(b) *Policy.*

(1) Agencies should take actions to avoid the need for ratifications.

(2)

(i) The head of the contracting activity may ratify an unauthorized commitment, subject to the criteria in paragraph (c).

(ii) Agencies may delegate the authority to ratify an unauthorized commitment. Agencies cannot delegate this authority below the level of the chief of the contracting office.

(3) Unauthorized commitments which involve claims subject to resolution under 41 U.S.C. chapter 71, Contract Disputes, should be processed under subpart 33.2, Disputes and Appeals.

(c) *Criteria.* Agencies may use the authority in paragraph (b)(2) of this section only when—

(1) The Government accepted supplies or services from the contractor, or the Government received a benefit from performance of the unauthorized commitment;

(2) The ratifying official has the authority to enter into a contractual commitment

(3) The resulting contract would otherwise have been proper if made by an authorized contracting officer;

(4) The contracting officer reviewing the unauthorized commitment determines the price to be fair and reasonable;

(5) The contracting officer recommends payment and legal counsel concurs with the recommendation; and

(6) Funds are available and were available at the time the unauthorized commitment was made.

(d) *Nonratifiable commitments*. Actions that do not meet the criteria in paragraph (c) of this section may be subject to resolution according to 31 U.S.C. 3702, or as authorized by subpart 50.1.

## **Subpart 1.5 - Determinations and Findings**

### **1.500 Scope of subpart.**

This subpart prescribes general policies and procedures for using determinations and findings (D&Fs).

### **1.501 Definition.**

*Determination and findings* (D&F) means a special form of written approval by an authorized official that is required by statute or regulation before taking certain contract actions.

The *determination* is a conclusion or decision supported by the *findings*. The findings are statements of fact or reasons essential to support the determination, and must cover each requirement of the statute or regulation.

### **1.502 General.**

(a)

(1) Ordinarily a D&F applies to an individual contract action. Unless otherwise prohibited, agencies may execute class D&Fs for classes of contract actions (see 1.503). The approval granted by a D&F is restricted to the proposed contract action(s) reasonably described in that D&F. D&Fs may provide for a reasonable degree of flexibility.

(2) Unless the D&F states otherwise, reasonable variations in estimated quantities or prices are permitted.

(b) When an option is anticipated, the D&F shall state the approximate quantity to be awarded at first and the extent of the increase the option permits.

### **1.503 Class determinations and findings.**

(a) A class D&F provides authority for a class of contract actions. A class may consist of contract actions for the same or related supplies, services, or other contract actions that require essentially identical justification.

(b)

(1) The findings in a class D&F must fully support the proposed action either for the class as a whole or for each action. A class D&F must be for a specified period, with the expiration date stated in the document.

(2) When a solicitation has been furnished to prospective offerors before the expiration date, the authority under the D&F will continue until award of the contract(s) resulting from that solicitation.

(c) The contracting officer must ensure that individual actions taken under the authority of a class D&F are within the scope of the D&F.

## 1.504 Content.

At a minimum, each D&F must include the following information:

(a) Identification of the agency and the contracting activity and specific identification of the document as a *Determination and Findings*.

(b) Nature and/or description of the action being approved.

(c) Citation to the appropriate statute and/or regulation upon which the D&F is based.

(d) Findings that detail the particular circumstances, facts, or reasoning essential to support the determination. Necessary supporting documentation shall come from appropriate requirements and technical personnel.

(e) A determination based on the findings that the proposed action is justified under the applicable statute or regulation.

(f) For class D&Fs, an expiration date.

(g) The signature of the official authorized to sign the D&F (see 1.506) and the date signed.

## 1.505 Replacement and modification.

(a) If a D&F is replaced by another D&F, that action will not invalidate any action taken under the original D&F before the date of its replacement.



The contracting officer is not required to cancel the solicitation if the modified D&F supports the contract action.

## 1.506 Signatory authority.

When a D&F is required, the appropriate official according to agency regulations must sign it.

Authority to sign or delegate signature authority for the various D&Fs is shown in the applicable FAR part.

# Part 52 - Solicitation Provisions and Contract Clauses

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[Subpart 52.2 - Text of Provisions and Clauses](#)

[52.201-1 \[Reserved\]](#)

## Subpart 52.2 - Text of Provisions and Clauses

52.201-1 [Reserved]