



Procedures for Deviations from the FAR or AIDAR

A Mandatory Reference for ADS Chapter
302

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1. Overview

Contracting Officers (COs) must follow the procedures in [AIDAR subpart 701.4](#) and this Mandatory Reference for deviations from the FAR or the AIDAR. Deviation requests must be routed for consultation sufficiently in advance of the desired effective date of the deviation to accommodate the timelines described in section 3 below and to allow for consideration and evaluation by the approval authority designated in [AIDAR 701.470](#).

2. Contents of Deviation Requests

Deviation requests must contain the information listed in AIDAR 701.470(c). The [FAR or AIDAR Deviation Request Template](#) available only to Agency staff provides a format that complies with the content requirements.

3. Consultation Requirements

The cognizant CO must consult with the following offices prior to requesting approval of the deviation from the approving official.

- a. Bureau for Management, Office of Acquisition and Assistance, Policy Division (M/OAA/P). The CO must submit the deviation request, including any additional supporting documents that provide relevant background or historical data, to M/OAA/P at policymailbox@usaid.gov to request comments.

(i) *FAR deviations affecting one contract or transaction (also known as “individual” deviations) and all AIDAR deviations.* M/OAA/P will normally respond to the request to provide comments within 10 working days. If the exigency of the situation requires more immediate action, the requesting office may arrange with M/OAA/P for a shorter review period. The comments provided by M/OAA/P must be made part of the deviation request file and forwarded to the head of the contracting activity as part of the deviation request.

(ii) *FAR deviations affecting more than one contract or contractor (also known as “class” deviations).* M/OAA/P will respond to the request as early as possible but normally requires at least 15 working days. This provides M/OAA/P with additional time to coordinate with the Chairperson of the Civilian Agency Acquisition Council (C/CAAC). If the exigency of the situation requires more immediate action, the requesting office may arrange with M/OAA/P for a shorter review and coordination period. The comments provided by the C/CAAC and M/OAA/P must be made part of the deviation request file and forwarded to the head of the contracting activity as part of the deviation request.

- b. Cognizant RLO or GC/A&A. The CO must submit the deviation request, including any additional supporting documents, to the Cognizant RLO or GC/A&A for written consultation.

4. **Approval Authority**

- a. The approval authorities identified in AIDAR 701.470(a)(1) for individual deviations or AIDAR 701.470(b)(3) for class deviations are summarized below. Where the approval authority is the “head of the contracting activity,” see the definition for this term in AIDAR 702.170-1.
- b. The head of the contracting activity has authority to approve:
 - Individual deviations that affect only one contract or procurement action, and
 - Class deviations affecting contracts only within the contracting activity under their management.
- c. Only the M/OAA Director has authority to approve class deviations that affect more than one contracting activity.
- d. Deviations involving basic ordering agreements or indefinite-delivery contracts, including single award indefinite-delivery contracts, are class deviations as they are considered to involve more than one contract.

5. **Documentation and Filing Requirements**

- a. The CO must retain approved individual deviations in the contract file. Approved class deviations must be retained by the issuing office and also in each contract file where the deviation is used.
- b. A copy of the approved deviation must be submitted promptly to M/OAA/P at **policymailbox@usaid.gov**.
- c. Register of deviations. Contracting activities must maintain separate registers of the deviations granted from the FAR and AIDAR. Contracting activities must record each deviation in its appropriate register and assign a control number as follows: For deviations issued by USAID Washington affecting more than one mission, the symbol of the contracting activity (e.g. “M/OAA”, or for deviations for awards performed in an overseas mission - the relevant geographic/country code; the abbreviation “DEV”; the type of deviation (from the FAR or AIDAR); the fiscal year; the serial number [issued in consecutive order during each fiscal year] assigned to the particular deviation; and the suffix “c” if it is a class deviation (e.g., M/OAA-DEV-FAR-14-1, M/OAA-DEV-FAR-14-2c, 123-DEV-

AIDAR-14-1). The control number must be included in the document authorizing the deviation and must be cited in all references to the deviation.
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