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MAR 26 2002

IN REPLY  
REFER TO J-33  
FARS DEV 02- 03

MEMORANDUM FOR PROCLTR DISTRIBUTION LIST

SUBJECT: Class Deviation from Federal Acquisition Regulation (FAR) 12.204, Solicitation/Contract Form (Defense Logistics Acquisition Directive (DLAD) 12.204)

FAR 12.204 requires the use of the Standard Form 1449 (SF 1449), Solicitation/Contract/Order for Commercial Items, if the acquisition is expected to exceed the simplified acquisition threshold (SAT), a paper solicitation or contract is being issued, and the combined synopsis/solicitation procedure in FAR 12.603 is not being used.

The requirement for mandatory use of the SF 1449 creates numerous administrative problems for Defense Logistics Agency (DLA) contracting offices. Extensive and costly changes would be required to the automated procurement systems currently utilized by DLA activities. Although the form will be available in Procurement Defense Desktop (PD2) as part of Business Systems Modernization (BSM) implementation, it would be cost prohibitive to include it in the DLA Pre-Award Contracting System (DPACS) at this time.

Therefore, I hereby authorize use of the SF 1449 on an optional basis for all acquisitions of commercial items. This deviation to the SF 1449 will have no adverse impact on the agency's efforts to use FAR Part 12, Acquisition of Commercial Items. When using forms other than the SF 1449 to conduct a Part 12 buy, the Part 12 terms and conditions must be applied in the same manner as if the SF 1449 were being used. Additionally, all information that would otherwise be provided on the SF 1449 itself, must be included in solicitations and/or contracts (such as, for example, Method of Solicitation, i.e., Request for Quote, Invitation for Bid, or Request for Proposal).

This deviation is effective immediately. It is implemented in the DLAD at 12.204, and will remain in effect until BSM is fully implemented. The point of contact for this deviation is Ms. Anne Burleigh, J-336, (703) 767-1358, DSN 427-1358, or e-mail [anne\\_burleigh@hq.dla.mil](mailto:anne_burleigh@hq.dla.mil).

CLAUDIA S. KNOTT

Executive Director

Logistics Policy and Acquisition Management

Attachment



PART 12

ACQUISITION OF COMMERCIAL ITEMS

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SUBPART 12.2 - SPECIAL REQUIREMENTS FOR THE ACQUISITION OF COMMERCIAL ITEMS.

**12.204 Solicitation/Contract form.**

*(a) DLA activities are authorized to use the SF 1449 on an optional basis for all acquisitions of commercial items. This DLAD coverage constitutes a class deviation in accordance with DFARS 201.404(b)(ii). When using the authority of this deviation to conduct Part 12 buys using forms other than the SF 1449, the Part 12 terms and conditions must be applied in the same manner as if the SF 1449 were being used; and all information that would otherwise be provided on the SF 1449 itself must be included in solicitations and/or contracts (such as, for example, Method of Solicitation, i.e., Request for Quote, Invitation for Bid, or Request for Proposal). This deviation will remain in effect until Business Systems Modernization (BSM) is fully implemented. (FARS DEV 02-03)*

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