



UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

MEMORANDUM

To: Contract File #: _____

From: _____

Subject: Approved Deviation from the Buy Indian Act

Pursuant to 48 CFR Part 1480.401, Indian Affairs must use the negotiation authority of the Buy-Indian Act, 25 U.S.C. 47, to give preference to Indian Economic Enterprises (IEE) whenever the use of that authority is authorized and practicable.

Statement of Facts: PR#: _____

Check box	Proposed Contract	Required Authorization
<input type="checkbox"/>	In excess of the micro-purchase threshold, but less than \$25,000.	Contracting Officer
<input type="checkbox"/>	In excess of \$25,000. But less than \$550,000.	Chief, Contracting Officer
<input type="checkbox"/>	In excess of \$550,000. But less than \$11.5 Million.	IA Competition Advocate
<input type="checkbox"/>	In excess of \$11.5 Million, but less than \$57 Million.	Head of Contracting Activity or designee GS-15 (BPC).
<input type="checkbox"/>	In excess of \$57 Million.	DOI Senior Procurement Executive

Deviations may be issued *prior to or after* issuing the solicitation. Please check appropriate box.

- Deviation is authorized prior to issuing the solicitation for simplified or commercial items.
- Basis: The Contracting Officer determines, after a thorough market survey/research, that there is no reasonable expectation of obtaining offers that will be competitive in terms of market price, quality, and delivery from two or more reasonable IEEs or at least one such enterprise that does not exceed the dollar threshold in FAR 13.003. The Contracting Officer should not rely solely on the program for this determination.
- Deviation is authorized prior to issuing the solicitation for other than simplified or commercial items.
- Basis: The Contracting Officer determines, after a thorough research, that there is no reasonable expectation that offers will be received from two or more responsible IEEs at a reasonable and fair market price. The Contracting Officer should not rely solely on the program for this determination.

- Deviation is authorized *after* issuing the solicitation for simplified or commercial items.
Basis: Only one offer has been received from a responsible IEE and the price is unreasonable, or no offers have been received from a responsible IEE.
- Deviation is authorized *after* issuing the solicitation for other than simplified or commercial items.
Basis:
 - All otherwise acceptable offers received from IEE's are unreasonable;
 - Only one offer has been received from an IEE and the CO determines the price to be unreasonable; or
 - No responsive offers have been received from IEE's.

Set-Aside Contracts for work on Indian Lands (DIAR 1480.504-1(b))

- Deviation is authorized *after* issuing the solicitation for all contract amounts and for all contract types.
Basis: The Tribe has justified a deviation under 1480.504-1(b)(2) and notified IA of its intent to contract prior to the established deadline.

Certification (initial):

- Supporting documentation obtained through market research, sources sought, pre/post solicitation and any other information that assists in justifying the deviation is attached for review by the authorizing official.
- I hereby certify that the information above, including ALL attachments, are true and accurate.

All signatures are required before the intended signature.

Requestor:

Contract Specialist or Contracting Officer	Signature	Date
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Concurrence:

Contracting Officer	Signature	Date
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Supervisory Contract Specialist (Chief Contracting Officer) Signature	Date
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IA Competition Advocate	Signature	Date
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Bureau Procurement Chief	Signature	Date
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Head of Contracting Activity	Signature	Date
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