



## UNITED STATES DEPARTMENT OF THE INTERIOR

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### BUREAU OF INDIAN AFFAIRS

#### MEMORANDUM FOR FILE

Subject: Approved Deviation from the Buy-Indian Act

PR#:

Sol#:

Control #:

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:

Check box	Proposed Contract	Required Authorization
	Up to \$25,000.	Contracting Officer
	In excess of \$25,000, but less than \$550,000.	Chief, Contracting Officer
	In excess of \$550,000, but less than \$11.5M.	IA Competition Advocate
	In excess of \$11.5M, but less than \$57M.	Head of Contracting Activity or designee GS-15 (BPC)
	In excess of \$57M.	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: IA determines after a market survey 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.

Deviation is authorized prior to issuing the solicitation for other than simplified or commercial items.

Basis: IA determines that there is no reasonable expectation that offers will be received from two or more responsible IEEs at a reasonable and fair market price.

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:**

**Concurrence:**