

**DETERMINATION AND FINDINGS:**  
Department of Education Acquisition Regulation (EDAR) Deviation  
to  
Implement FAR 3.104-7(a)(1)

**Findings**

FAR 3.104 sets forth the regulations that implement the provisions of the 41 U.S.C. Chapter §§ 2101–2107 (Procurement Integrity Act), and the Federal Acquisition Regulation (FAR) 3.104, et seq (collectively herein referred to as PIA). FAR 3.104-7 addresses violations or possible violations of the PIA. FAR 3.104-7(a) states “a contracting officer who receives or obtains information of a violation or possible violation of [the Procurement Integrity Act] must determine if the reported violation or possible violation has any impact on the pending award or selection of the contractor.” FAR 3.104-7(a)(1) states, “if the contracting officer concludes that there is no impact on the procurement, the contracting officer must forward the information concerning the violation or possible violation, and documentation supporting a determination that there is no impact on the procurement, to an individual designated in accordance with agency procedures.”

The EDAR does not include designation of the Department individual required by FAR 3.104-7(a)(1), nor has that individual been identified in any other Departmental guidance or delegations. Therefore, there is an immediate need to implement FAR 3.104-7(a)(1), by identifying who this individual is for acquisitions conducted by Contracts and Acquisitions Management (CAM) and Federal Student Aid (FSA) Acquisitions.

In consideration of the gravity of the matter (i.e., procurement integrity) being reviewed and the organizational structures of CAM and FSA Acquisitions, the Deputy Director, in each of the contracting activities, will be the appropriate individual to whom the contracting officer will forward the information described in FAR 3.104-7.

**Determination**

In accordance with FAR 1.404 and EDAR 3401.404, I hereby issue a deviation to immediately revise the EDAR to insert the attached deviated text as EDAR 3403-104-7(a)(1) to identify the Deputy Director as the appropriate individual.

The EDAR deviated text is set forth in Attachment A.

This deviation will remain in effect until incorporated into the EDAR or rescinded.

---

Denise Carter  
Acting Chief Acquisition Officer

Date