



# UNITED STATES DEPARTMENT OF EDUCATION

## OFFICE OF FINANCE AND OPERATIONS

February 01, 2024

### ACQUISITION ALERT 2024-03

TO: Heads of Contracting Activities  
Office of Finance and Operations/Contracts and Acquisition Management  
Federal Student Aid/Federal Student Aid Acquisitions  
Executive Officers

FROM: Calvin J. Mitchell Jr. *Calvin J. Mitchell Jr.*  
Deputy Assistant Secretary for Acquisition, Grants, and Risk Management  
Senior Procurement Executive

SUBJECT: Class Education Department Acquisition Regulation (EDAR) Deviation for  
Immediate Use of Clause Entitled "Limitation of Government's Obligation When  
Fully Funding Variable Quantity Contract Line Items"

1. **Purpose:** This Acquisition Alert (AA) implements the attached approved EDAR deviation.
2. **Background:** Contracts are occasionally issued with estimated quantities where the actual quantities may not equal the estimate. Examples of such situations include loan servicing, where the number of actual borrowers serviced is not known or controllable, and some help desk support contracts, where the pricing is based on the number of calls made to the help desk and the ultimate number of calls is not known or controllable. Since the ultimate quantity is not known, it is possible to create a liability that exceeds the total funding on the contract. The clause approved in the attached EDAR Determination and Findings is necessary to avoid creating a Government obligation beyond the funded amount on a contract.
3. **Deviation:** See attached for EDAR deviated text in 3432.706 and 3452.232-73.
4. **Applicability:** This class deviation applies to all ED contracting activities.
5. **Effective Date:** Immediately
6. **Expiration Date:** Until superseded or otherwise rescinded.

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

7. **Required Action:** Contracting Officers may insert clause 3452.232-73 (DEVIATION FEB 2024) when the circumstances described in the attached deviation prescription apply.
8. **Additional Information:** Please contact the Strategic Acquisition Management Initiatives Division [SAMI\\_Policy@ed.gov](mailto:SAMI_Policy@ed.gov)

**Attachment:** Determination and Findings Class EDAR Deviation for immediate use of clause entitled “Limitation of Government’s Obligation When Fully Funding Variable Quantity Contract Line Items” with attached EDAR deviated text