



# UNITED STATES DEPARTMENT OF EDUCATION

## OFFICE OF FINANCE AND OPERATIONS

February 23, 2024

### ACQUISITION ALERT 2024-04

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

- 1. Purpose:** This Acquisition Alert (AA) implements the attached approved EDAR deviation.
- 2. Background:** FAR 3.104 sets forth the regulations that implement the provisions of the Procurement Integrity Act (PIA), 41 U.S.C. Chapter 21. FAR 3.104-7, which addresses violations or possible violations of the PIA and requires that a contracting officer who receives or obtains information of a violation or possible violation determine if the reported violation or possible violation has any impact on the pending award or selection of the contractor. Per FAR 3.104-7(a)(1), 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 deviation described in the attached Determination and Findings (D&F), is necessary because 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 and Federal Student Aid Acquisitions.

- 3. Deviation:** See attached for EDAR deviated text at EDAR 3403.104-7.

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4. **Applicability:** This class deviation applies to all ED contracting activities.
5. **Effective Date:** Immediately
6. **Expiration Date:** Until superseded or otherwise rescinded.
7. **Additional Information:** Please contact the Strategic Acquisition Management Initiatives Division [SAMI\\_Policy@ed.gov](mailto:SAMI_Policy@ed.gov)

**Attachment:** Determination and Findings EDAR Deviation to Implement FAR 3.104-7(a)(1)