

# Part 5118 - Emergency Acquisitions

The official AFARS regulation resides on the [Army's Knowledge Management Portal PAM](#). If you do not have CAC access to PAM, please visit the Army Contracting Enterprise's public facing website "Army Connect" at <https://www.army.mil/armycontracting#org-afars>. The AFARS will return to Acquisition.gov upon completion of the RFO.

*(Revised 01 October 2024)*

## Subpart 5118.1 - Available Acquisition Flexibilities

### 5118.170 Additional acquisition flexibilities.

## Subpart 5118.2 - Emergency Acquisition Flexibilities

### 5118.201 Contingency operation.

### 5118.202 Defense or Recovery from Certain Events.

### 5118.270 Head of contracting activity determinations.

## Subpart 5118.1 - Available Acquisition Flexibilities

### 5118.170 Additional acquisition flexibilities.

(a) See AFARS 5106.302-7(b)(2) for DPCAP Class Deviation 2024-O0005 instructions on use of other than competitive procedures under FAR 6.302-7 for "covered contracts".

(h) The Assistant Secretary of the Army (Acquisition, Logistics and Technology), on a non-delegable basis, shall make the notification as described in DFARS 218.170(h).

## Subpart 5118.2 - Emergency Acquisition Flexibilities

### 5118.201 Contingency operation.

(9) See [Appendix - GG Table Of Contents](#).

### 5118.202 Defense or Recovery from Certain Events.

(c) In accordance with section (C)(4) of DPCAP Class Deviation 2024-O0005—Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel Contracting officers carrying out a procurement of a product or service for a covered contract may treat the product or service as a commercial product or a commercial service for the purpose of carrying out the procurement. See [5112.102 Applicability](#).(a)(i)(B)(3). See AFARS [5153.206-93 Instructions for](#)

[Congressional Notification Requirement When Utilizing the Authorities Conferred by paragraphs \(B\) - \(G\) of DPCAP Class Deviation 2024- 00005—Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel; Workload Forecasting Instructions and AFARS 5153.303-12 Format for Advance Congressional Notification When Utilizing Authorities Conferred by DPCAP Class Deviation 2024-00005—Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel.](#) for instructions and sample format for reporting covered contracts applicable under this subpart to congressional defense committees.

## **5118.270 Head of contracting activity determinations.**

(e) See [Appendix - GG Table Of Contents](#).

See [AFARS PGI 5118.2-1](#) for additional information on acquisition flexibilities.