



Federal Aviation Administration

Memorandum

Date: August 9, 2023
To: Nathan Tash, ACQ-1
From: Dave Rickard, ABA-1
Subject: AMS Provisional Waiver for all eFAST procurement actions

- PURPOSE.** This memorandum (memo) is to request to extend the provisional waiver to Acquisition Management System (AMS) policy and guidance exclusively for all Electronic Federal Aviation Administration Accelerated and Simplified Tasks (eFAST) task orders. This waiver will increase the CFO review threshold from \$15 million to \$20 million (ref. AMS 3.2.1.4.5 and T3.2.1.4) for eFAST task orders. As this represents a provisional waiver to both AMS policy and guidance, approval by the Chief Acquisition Officer (ACQ-1) is required.
- BACKGROUND.** In a memorandum dated August 11, 2005, the Administrator directed the Chief Financial Officer (CFO) to exercise greater control and fiscal oversight over FAA contracts by explicitly giving the CFO approval authority over all proposed procurement actions of \$10 million or more. The CFO approved an increase to the CFO Approval authority from \$10 million to \$15 million in a memorandum dated March 15, 2023. As a result, the CFO has approval authority over all proposed procurement actions of \$15 million or more pursuant to AMS 3.2.1.4.2.

In 2021, eFAST program officials assessed canceled eFAST procurements between 2012 through 2022. It found that potential customers moved a large portion of the ~\$1B worth of work from the eFAST pipeline to other contracting vehicles comprised of mostly large businesses. This represents missed opportunities for the FAA to contribute to its small business prime contract goals, and eFAST small business Master Ordering Agreement (MOA) holders lose out on those contracting opportunities.

Additionally, this change more closely aligned the treatment of eFAST procurements with multiple award contracts in the CFO approval process. The contract ceiling is managed at the contract level for multiple award contracts, and individual task orders do not need to obtain independent CFO approval. Since eFAST is a Master Ordering Agreement (MOA), the CFO approves ceilings at the task order level.

This effort also supports Agency goals to increase contract awards to Small Disadvantaged businesses, other socioeconomic small businesses, and traditionally underserved entrepreneurs identified in the Small Business Act (Office of Management and Budget Memorandum M-22-03, Advancing Equity in Federal Procurement). eFAST is the FAA's preferred contracting vehicle for small business contracts.

3. **APPLICABILITY.** The provisional waiver applies to all:
 - New eFAST Screening Information Requests (SIR)
 - Existing eFAST task orders
4. **EFFECTIVE DATE:** The interim changes would be effective on August 20, 2023, and would continue to remain in effect until August 19, 2024, or until expressly rescinded.
5. **CHANGE REQUESTED.** The intent of the AMS is to afford the FAA flexibility in its acquisition practices that are capable of addressing the agency's unique need for efficient procurements. In accordance with AMS 1.2.13, this memorandum requests approval from ACQ-1 for a provisional waiver to allow the CFO review threshold to be temporarily changed from \$15 million to \$20 million for one year. The Office of Acquisition Oversight (AFI-500) will continue to review the results of the change, which have so far proven effective. If the results continue to prove effective, AFI-500 will seek Acquisition Executive Board (AEB) approval to make a permanent change to AMS procurement policy and guidance for eFAST procurement actions.

In lieu of CFO reviews for eFAST task orders with cost estimates that exceed \$15 million but fall under \$20 million, the eFAST office will be required to continue to submit to the Office of Financial Analysis (AFI-500) a quarterly report listing all procurements awarded over \$15 million.