**AFARS – Part 5118**

**Emergency Acquisitions**

*(Revised 28 September 2023)*

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### Subpart 5118.1 – Available Acquisition Flexibilities

#### 5118.170 Additional acquisition flexibilities.

(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).

(i) See AFARS 5106.302-7(b)(2) for [Defense Contracting and Pricing Class Deviation 2023-O0003 REV 2](https://www.acq.osd.mil/dpap/policy/policyvault/USA002011-23-DPC.pdf) instructions on use of other than competitive procedures under FAR 6.302-7 for “covered contracts”.

### Subpart 5118.2 – Emergency Acquisition Flexibilities

#### 5118.201 Contingency operation.

(7) See [Appendix GG](https://spcs3.kc.army.mil/asaalt/procurement/AFARS/AFARS_AppGG.aspx).

#### 5118.202 Defense or recovery from certain events.

(c) In accordance with section (C)(4) of [Defense Pricing and Contracting Class Deviation 2023-O0003 REV 2—Temporary Authorizations for Covered Contracts Related to Ukraine](https://www.acq.osd.mil/dpap/policy/policyvault/USA002011-23-DPC.pdf) 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(a)(i)(B)(3). See AFARS 5153.206-93 and AFARS 5153.303-12 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](https://spcs3.kc.army.mil/asaalt/procurement/AFARS/AFARS_AppGG.aspx).

See [AFARS PGI 5118.2-1](https://spcs3.kc.army.mil/asaalt/procurement/PGI/PGI_5118.aspx) for additional information on acquisition flexibilities.

See [AFARS PGI 5118.204-1](https://spcs3.kc.army.mil/asaalt/procurement/PGI/PGI_5118.aspx) for additional information on Humanitarian or peacekeeping operation.