

November 2, 2001

# AGAR ADVISORY

**UNITED STATES DEPARTMENT OF AGRICULTURE  
OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT  
PROCUREMENT POLICY DIVISION  
AGAR ADVISORY NO. 37**

## **Waiver of Synopsis Requirements**

**INTRODUCTION:** The purpose of this Agriculture Acquisition Regulation (AGAR) Advisory is to reinstitute a waiver of Federal Acquisition Regulation (FAR) Subpart 5.2 synopsis requirements for the acquisition of services between \$25,000 and the Simplified Acquisition Threshold (SAT).

**SUMMARY:** Contracting activities are not required to synopsise acquisitions for services between \$25,000 and the SAT in the specific circumstances listed below. This advisory supersedes AGAR Advisory 23 (amended by advisories 23A and 23B) which expired on August 31, 2001. The effective date of the reinstated waiver is the date of this AGAR Advisory.

### **SPECIFIC ISSUES:**

- The Small Business Act (15 U.S.C. 637(e)) and the Office of Federal Procurement Policy Act (41 U.S.C. 416) require that Federal Agencies provide advance notice to the public regarding most acquisitions. These statutory requirements are implemented in Subpart 5.2 of the FAR which also specifies that such synopsis is not required if the head of the agency determines in writing, after consultation with the Administrator for Office of Federal Procurement Policy (OFPP) and the Administrator of the Small Business Administration (SBA), that advance notice is not appropriate or reasonable.
- OFPP and SBA by memorandum of September 27, 2001, extended the pilot program on acquisition of services from small businesses, and authorized Federal agencies to extend existing determinations to waive the Federal Acquisition Regulation (FAR) Subpart 5.2 synopsis requirement, under specific conditions. The conditions specified in the September 27, 2001 memorandum are, with minor revisions, those included in the USDA waiver which was implemented by AGAR Advisory 23, dated December 11, 1998. USDA is reinstating the waiver of synopsis requirements under the conditions specified below, effective as of the date of this AGAR Advisory.

- FAR Subpart 5.2 requirements to synopsise, through the Governmentwide Point of Entry, proposed contract actions in excess of \$25,000 is waived under the following circumstances:
  1. the acquisition is for services (excluding those exempted from set-asides under the Small Business Competitiveness Demonstration Program) in amounts over \$25,000, but not exceeding the SAT, of which supply items are expected to constitute less than 20 percent of the total value of the contract;
  2. the acquisition will be set aside for small businesses;
  3. quotes or offers will be solicited and obtained from a minimum of five small business concerns;
  4. SBA's Procurement Marketing and Access Network (*PRO-Net*) will be used to identify and solicit offers from a minimum of five small businesses; and
  5. if practicable, two sources not included in the previous solicitation for the same services will be solicited.
- Agencies are reminded to continue reporting, in the Federal Procurement Data System (FPDS), all contract actions executed under this synopsis waiver. The FPDS reporting requirements were revised effective October 1, 2001 (Amendment 7 to the FPDS Reporting Manual) to include a new code "D" (Not Synopsized Under the SBA/OFPP Waiver Pilot Program) in Item 23 on the Individual Contract Action Report (SF 279). This new code "D" will enable identification of contracts awarded under the pilot program and assist in the evaluation of the pilot program waiver.

If you have questions about this advisory, please contact Pat Honda by telephone at (202) 720-8924, by fax at (202) 720-8972, or by email to [phonda@usda.gov](mailto:phonda@usda.gov). This advisory is available on the USDA homepage at <http://www.usda.gov/procurement/advisories.html>.

**EXPIRATION DATE:** September 30, 2004

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