



WAIVER MEMORANDUM 2025-02

MEMORANDUM FOR: Senior Bureau Procurement Officials

FROM: Olivia J. Bradley
Senior Procurement Executive and
Director for Acquisition Management

SUBJECT: Temporary Waiver from Certain Commerce Acquisition Manual 1301.71 Legal Review Threshold Requirements

**OLIVIA
BRADLEY**

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OLIVIA BRADLEY
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Purpose

This memorandum grants a temporary waiver that revises certain legal review threshold requirements at Section 3.2 of Commerce Acquisition Manual (CAM) 1301.71, *Legal Review of Acquisition-Related Actions*.

Background

Per Section 3.1 of CAM 1301.71, the Contract Law Division provides written review of contract actions from a legal perspective to, among other things, assess risk and determine whether proposed actions are legally permissible. The requirements for legal review set forth in this memorandum and CAM 1301.71 do not affect the right and responsibility of contracting officials to submit other actions for legal review or consult with the Contract Law Division on *any* acquisition-related matter, regardless of its amount or type, that presents risks to the program, including risk of litigation or unsuccessful contract performance.

Applicability

This waiver is applicable to solicitation, evaluation and award documentation for task and delivery orders awarded using Federal Acquisition Regulation (FAR) Part 16 *fair opportunity procedures* under multiple award indefinite-delivery, indefinite quantity (IDIQ) contracts.

Waiver

CAM 1301.71 legal review threshold requirements for specific contract actions are revised as detailed in Table 1. Legal review requirements for all other contract actions outlined in CAM 1301.71 remain in full force and effect. Upon request, only the Office of General Counsel, Contract Law Division Chief is authorized to waive any legal reviews that exceed the Temporary Waiver thresholds identified in Table 1.

Table1 – Section 3.2 Legal Review Thresholds

CAM 1301.71 Section 3.2	Contract Action	CAM 1301.71 Threshold	Temporary Waiver Threshold
c.	Draft solicitations, including Requests for Quotations (RFQs) for task orders and Blanket Purchase Agreements (BPAs) against Federal Supply Schedule (FSS) contracts and Government-Wide Acquisition Contracts (GWACs) and Federal Acquisition Regulation (FAR) Part 36 Notices of Opportunity, to be released publicly, e.g., via e-Buy or GPE, for comment.	>\$1 million	>\$10 million – for only FAR Part 16 <i>fair opportunity procedures</i> under multiple award indefinite-delivery, indefinite quantity (IDIQ) contracts
d.	Solicitations, including RFQs for task orders and BPAs against FSS contracts and GWACs, FAR Part 36 Notices of Opportunity, and requests for task order proposals against Department multiple-award indefinite-delivery, indefinite quantity (IDIQ) contracts. This does not include solicitations for: direct 8(a) awards, which do not require legal review or RFQs against single award IDIQs or BPAs.	> \$1 million	>\$10 million – for only FAR Part 16 <i>fair opportunity procedures</i> under multiple award indefinite-delivery, indefinite quantity (IDIQ) contracts
f.	Competitive range determinations, notifications, discussion letters, and pre-negotiation memoranda. NOTE: Contracting Officers are encouraged to consult with legal on all competitive range determinations and discussions.	> \$1 million	>\$10 million – for only FAR Part 16 <i>fair opportunity procedures</i> under multiple award indefinite-delivery, indefinite quantity (IDIQ) contracts
g.	Award documentation, including consensus technical evaluation, cost/price evaluation, final proposal revision evaluation, best value determination, and draft contract/task order (both competitive and noncompetitive actions).	> \$1 million	>\$10 million – for only FAR Part 16 <i>fair opportunity procedures</i> under multiple award indefinite-delivery, indefinite quantity (IDIQ) contracts

Effective Date and Duration

This waiver is effective immediately and remains in effect through September 30, 2026, unless it is rescinded earlier. At the end of this period, the Office of General Counsel will re-evaluate the need for this temporary waiver.

Please direct any questions regarding this Waiver Memorandum to OAM_Mailbox@doc.gov.