

Subpart 3401.3—Agency Acquisition Regulations

3401.301 Policy.

(a)(1) Subject to the authorities in FAR 1.301(c) and other statutory authority, the Secretary of Education (Secretary) or delegate may issue or authorize the issuance of the EDAR. It implements or supplements the FAR and incorporates, together with the FAR, Department policies, procedures, contract clauses, solicitation provisions, and forms that govern the contracting process or otherwise control the relationship between the Agency, including its suborganizations, and contractors or prospective contractors. The Head of Contracting Activity (HCA) for FSA may issue supplementary guidelines applicable to FSA.

3401.303 Publication and codification.

(a) The EDAR is issued as chapter 34 of title 48 of the CFR.

(1) The FAR numbering illustrations at FAR 1.105–2 apply to the EDAR.

(2) The EDAR numbering system corresponds with the FAR numbering system. An EDAR citation will include the prefix “34” prior to its corresponding FAR part citation; *e.g.*, FAR 25.108–2 would have corresponding EDAR text numbered as EDAR 3425.108–2.

(3) Supplementary material for which there is no counterpart in the FAR will be codified with a suffix beginning with “70” or, in cases of successive sections and subsections, will be numbered in the 70 series (*i.e.*, 71–79). These supplementing sections and subsections will appear to the closest corresponding FAR citation; *e.g.*, FAR 16.4 (Incentive Contracts) may be augmented in the EDAR by citing EDAR 3416.470 (Award Term) and FAR 16.403 (Fixed-price incentive contracts) may be augmented in the EDAR by citing EDAR 3416.403–70 (Award fee contracts). (*Note:* These citations are for illustrative purposes only and may not actually appear in the published EDAR). For example:

FAR	Is implemented as	Is augmented as
15	3415	3415.70
15.1	3415.1	3415.170
15.101	3415.101	3415.101–70
15.101–1	3415.101–1	3415.101–1–70
15.101–1(b)	3415.101–1(b)	3415.101–1(b)(70)
15.101–1(b)(1)	3415.101–1(b)(1)	3415.101–1(b)(1)(70)

(c) *Activity-specific authority.* Guidance that is unique to an organization with HCA authority contains that activity’s acronym directly preceding the cite. The following activity acronyms apply:

FSA—Federal Student Aid.

3401.304 Agency control and compliance procedures.

(a) The EDAR is issued for Department acquisition guidance in accordance with the policies stated in FAR 1.301. The EDAR is subject to the same review procedures within the Department as other regulations of the Department.

Subpart 3401.4—Deviations

3401.401 Definition.

A deviation from the EDAR has the same meaning as a deviation from the FAR.

3401.403 Individual deviations.

An individual deviation from the FAR or the EDAR must be approved by the Senior Procurement Executive (SPE).

3401.404 Class deviations.

A class deviation from the FAR or the EDAR must be approved by the Chief Acquisition Officer (CAO).