



Federal Aviation Administration

Memorandum

Date: September 1, 2023

To: Nathan Tash, Deputy Assistant Administrator for Acquisition & Business Services and FAA Acquisition Executive (FAE), ACQ-1

From: Mark Teskey, Assistant Chief Counsel
Acquisition and Fiscal Law Division, AGC-500

Subject: Coordination of Legal Reviews Threshold Changes

AMS Policy 1.2.14 authorizes the Assistant Chief Counsel for Procurement¹ to “make written exceptions to [legal] coordination policy, adjust dollar minimums, or in appropriate cases, waive coordination.” In accordance with this authority, I hereby make following adjustments to the legal coordination requirements of AMS Guidance T1.15(4)(b) as follows:²

A. General Waiver

For all procurement matters:

1. The legal review threshold for matters requiring legal coordination in AMS Guidance T1.15(4)(b) is increased from \$250,000 to \$500,000; and
2. All priced options³ exercised in strict compliance with the terms of the contract.

B. eFAST

For individual orders/contracts under the eFAST MOA, legal coordination is WAIVED for the following:

¹ This role is presently called the Assistant Chief Counsel for Acquisition and Fiscal Law (AGC-500).

² These waivers affect matters which would have required review pursuant to AMS Guidance T1.15(4)(b) “General Coordination Guidance for Acquisition Actions.” All matters under AMS Guidance T1.15(4)(e) still require legal coordination regardless of the dollar value.

³ See AMS Guidance T3.2.4.A.9 for more on priced options.

1. Competitive orders at or below \$10 million estimated total value (including options);
2. Award-stage documents where only one proposal is received, regardless of estimated total value;
3. Modifications at or below \$1 million; and
4. Direct awards⁴ as follows:
 - i. Direct award to a Socially and Economically Disadvantaged Business (SEDB 8(a)) vendor if at or below \$10 million in estimated total value (including options);
 - ii. Direct award to a Service-Disabled, Veteran-Owned Small Business (SDVOSB) vendor if at or below \$10 million in estimated total value (including options); and
 - iii. Direct award to an Historically Underutilized Business Zone (HUBZone), Women-Owned Small Business (WOSB), and Economically Disadvantaged Women Owned Small Business (EDWOSB), if at or below estimated total values (including options) established in AMS Policy 3.6.1.3.7 – 9, as amended.⁵ For example, the current threshold for a HUBZone vendor, per AMS Policy 3.6.1.3.7, is \$4.5 million or below. Accordingly, legal coordination is waived for a HUBZone direct award if the estimated total value is at or below \$4.5 million.

C. SETIS

For task orders against the SETIS contract, legal coordination is WAIVED for all new task orders and modifications.

Contracting Officers may request legal advice or guidance on acquisition-related matters at any time or on any matter where they have a legal question. Contracting Officers shall exercise good judgment in seeking legal review if the total value of the contract action is less than the thresholds listed in this document. Guard against using legal reviews as a means of quality control. Legal coordination continues to be required for any other matter for which legal coordination has not been waived in this memo, and as required by AMS Policy and Guidance.

⁴ The AMS also refers to direct awards to socio-economic businesses as noncompetitive awards. See AMS Policy 3.6.1.3.7 – 9.

⁵ Waivers from legal coordination will track increases or decreases to the AMS Policy's noncompetitive/direct award thresholds for HUBZone, WOSB, and EDWOSB.

This memo is effective on the signature date below and remains in effect until modified or rescinded in accordance with the AMS.

Assistant Chief Counsel
Acquisition and Fiscal Law (AGC-500)

Date