



12/13/2024

Acquisition Letter MV-22-02
Supplement 5

MEMORANDUM FOR FAS HEADS OF CONTRACTING ACTIVITY

FROM: JEFFREY A. KOSES ^{DocuSigned by:}
SENIOR PROCUREMENT EXECUTIVE
OFFICE OF ACQUISITION POLICY (MV)

MARK J. LEE ^{DocuSigned by:}
ASSISTANT COMMISSIONER
OFFICE OF POLICY AND COMPLIANCE (QV)
FEDERAL ACQUISITION SERVICE

SUBJECT: Supplement 5 - Temporary Moratorium on Enforcement of
Certain Limitations Contained in Certain GSA Economic Price Adjustment
(EPA) Contract Clauses

- 1. **Purpose.** This supplement extends the temporary moratorium provided in Acquisition Letter (AL) MV-22-02 from December 31, 2024 to September 30, 2025 for purposes of providing the Federal Acquisition Service (FAS) additional time to implement updated EPA requirements applicable to the Multiple Award Schedule (MAS) program.
- 2. **Background.** On March 17, 2022, AL MV-22-02 was issued to provide a temporary moratorium on the enforcement of certain limitations contained in certain GSA EPA contract clauses. Supplements 1-4 were issued to extend the temporary moratorium, with Supplement 4 providing an extension until December 31, 2024.

Change Order 187 went into effect on September 4, 2024. This Change Order included the incorporation into the General Services Administration Acquisition Manual (GSAM) of updated MAS EPA requirements, including an updated MAS EPA clause (i.e., GSAR clause 552.238-120, Economic Price Adjustment—Federal Supply Schedule Contracts)¹.

FAS has not yet issued the modification to add 552.238-120 to FSS contracts and is still in the process of finalizing the necessary implementation guidance.

This extension provides additional time for FAS to implement Change Order 187.

¹Section 5 of Change Order 187 states that the subject AL, including any supplements issued, would be canceled upon issuance of the modification to add the clause to FSS contracts.

- 3. Period of Extension.** Unless otherwise extended further, the temporary moratorium provided in AL MV-22-02 is hereby extended to September 30, 2025.
- 4. Points of Contact.** Questions regarding this Acquisition Letter may be directed to GSARPolicy@gsa.gov. Additional guidance can be found on FAS's Acquisition by Topic page.



2/28/2024

GSA Office of Governmentwide Policy

Acquisition Letter MV-22-02
Supplement 4

MEMORANDUM FOR FAS HEADS OF CONTRACTING ACTIVITY

FROM: JEFFREY A. KOSES ^{DocuSigned by:}
Jeffrey A. Koses
21BD80B9E8AC4A0
SENIOR PROCUREMENT EXECUTIVE
OFFICE OF ACQUISITION POLICY (MV)

^{DocuSigned by:}
MARK J. LEE *Mark Lee* 2/27/2024
ASSISTANT COMMISSIONER
OFFICE OF POLICY AND COMPLIANCE (QV)
FEDERAL ACQUISITION SERVICE

SUBJECT: Supplement 4 - Temporary Moratorium on Enforcement of
Certain Limitations Contained in Certain GSA Economic Price Adjustment
(EPA) Contract Clauses

- Purpose.** This supplement extends the temporary moratorium provided in Acquisition Letter MV-22-02 from March 31, 2024 to December 31, 2024.
- Background.** On March 17, 2022, Acquisition Letter MV-22-02 was issued to provide a temporary moratorium on the enforcement of certain limitations contained in certain GSA EPA contract clauses. Supplement 1 was issued to extend the temporary moratorium from September 30, 2022 to March 31, 2023. Supplement 2 was issued to extend the temporary moratorium from March 31, 2023 to September 30, 2023. Supplement 3 was issued to extend the temporary moratorium from September 30, 2023 to March 31, 2024.

This extension is to provide time for the publication of a final rule for the resultant implementation of a new economic price adjustment clause for the Multiple Award Schedule program.

- Period of Extension.** Unless otherwise extended further, the temporary moratorium provided in Acquisition Letter MV-22-02 is hereby extended to December 31, 2024.
- Points of Contact.** Questions regarding this Acquisition Letter may be directed to GSARPolicy@gsa.gov. Additional guidance can be found on [FAS's Acquisition by Topic page](#).



8/30/2023

GSA Office of Governmentwide Policy
Acquisition Letter MV-22-02
Supplement 3

MEMORANDUM FOR FAS HEADS OF CONTRACTING ACTIVITY

FROM:

JEFFREY A. KOSES
SENIOR PROCUREMENT EXECUTIVE
OFFICE OF ACQUISITION POLICY (MV)

DocuSigned by:
Jeffrey A. Koses
21BD80B9E8AC4A0...

MARK J. LEE
ASSISTANT COMMISSIONER
OFFICE OF POLICY AND COMPLIANCE (QV)
FEDERAL ACQUISITION SERVICE

DocuSigned by:
Mark Lee 8/29/2023
M416514

SUBJECT: Supplement 3 - Temporary Moratorium on Enforcement of
Certain Limitations Contained in Certain GSA Economic Price Adjustment
(EPA) Contract Clauses

- 1. **Purpose.** This supplement extends the temporary moratorium provided in Acquisition Letter MV-22-02 from September 30, 2023 to March 31, 2024.
- 2. **Background.** On March 17, 2022, Acquisition Letter MV-22-02 was issued to provide a temporary moratorium on the enforcement of certain limitations contained in certain GSA EPA contract clauses. Supplement 1 was issued to extend the temporary moratorium from September 30, 2022 to March 31, 2023. Supplement 2 was issued to extend the temporary moratorium from March 31, 2023 to September 30, 2023.

Although recent numbers suggest the inflation rate is coming back down to normal levels, the need for this temporary moratorium continues, as supply chain shortages and price volatility continue to negatively impact the global economy.

- 3. **Period of Extension.** Unless otherwise extended further, the temporary moratorium provided in Acquisition Letter MV-22-02 is hereby extended to March 31, 2024.
- 4. **Points of Contact.** Questions regarding this Acquisition Letter may be directed to GSARPolicy@gsa.gov. Additional guidance can be found on [FAS's Acquisition by Topic page](#).



3/6/2023

MEMORANDUM FOR FAS HEADS OF CONTRACTING ACTIVITY

FROM: JEFFREY A. KOSES DocuSigned by:
Jeffrey A. Koses
21BD80B9E8AC4A0
SENIOR PROCUREMENT EXECUTIVE
OFFICE OF ACQUISITION POLICY (MV)

MARK J. LEE DocuSigned by:
Mark Lee
3/6/2023
0R572B0D85B447F5
ASSISTANT COMMISSIONER
OFFICE OF POLICY AND COMPLIANCE (QV)
FEDERAL ACQUISITION SERVICE

SUBJECT: Supplement 2 - Temporary Moratorium on Enforcement of
Certain Limitations Contained in Certain GSA Economic Price
Adjustment (EPA) Contract Clauses

- 1. Purpose.** This supplement extends the temporary moratorium provided in Acquisition Letter MV-22-02 from March 31, 2023 to September 30, 2023.
- 2. Background.** On March 17, 2022, Acquisition Letter MV-22-02 was issued to provide a temporary moratorium on the enforcement of certain limitations contained in certain GSA EPA contract clauses. Supplement 1 was subsequently issued to extend the temporary moratorium from September 30, 2022 to March 31, 2023. Various factors such as inflation, supply chain shortages, and price volatility continue to significantly impact the global economy. Therefore, there is a continued need for this temporary moratorium.
- 3. Period of Extension.** Unless otherwise extended further, the temporary moratorium provided in Acquisition Letter MV-22-02 is hereby extended to September 30, 2023.

4. Points of Contact. Questions regarding this Acquisition Letter may be directed to GSARPolicy@gsa.gov. Additional guidance can be found on [FAS's Acquisition by Topic page](#).



9/12/2022

GSA Office of Governmentwide Policy
Acquisition Letter MV-22-02
Supplement 1

MEMORANDUM FOR FAS HEADS OF CONTRACTING ACTIVITY

FROM: JEFFREY A. KOSES DocuSigned by:
Jeffrey A. Koses
21ED80B9E8AC4A0...
SENIOR PROCUREMENT EXECUTIVE
OFFICE OF ACQUISITION POLICY (MV)

MARK J. LEE DocuSigned by:
Mark Lee
0B572B8D8EB447F...
ASSISTANT COMMISSIONER
OFFICE OF POLICY AND COMPLIANCE (QV)
FEDERAL ACQUISITION SERVICE

SUBJECT: Supplement 1 - Temporary Moratorium on Enforcement of
Certain Limitations Contained in Certain GSA Economic Price Adjustment
(EPA) Contract Clauses

- 1. Purpose.** The Senior Procurement Executive and FAS senior procurement leadership supports processes to streamline and enhance the ability for FAS contracting officers to respond to and process EPA requests. Therefore, this Supplement updates the temporary flexibilities on certain limitations contained in certain GSA EPA contract clauses and extends the temporary moratorium on the enforcement of such limitations to March 31, 2023. These steps are taken in recognition of the ongoing impact of various factors on GSA contractors and their ability to support federal agencies.
- 2. Background.** On March 17, 2022, Acquisition Letter MV-22-02 was issued to provide a temporary moratorium on the enforcement of certain limitations contained in certain GSA EPA contract clauses. Various factors such as inflation, supply chain shortages, and price volatility continue to significantly impact the global economy. Therefore, there is a need to extend the temporary moratorium.

The temporary moratorium is achieving some of its key objectives, including ensuring GSA continues offering customers a full range of products, services, and solutions through the Federal Supply Schedule program and GSA Global Supply. However, this Supplement aims to further streamline the processing of EPA requests through the removal of additional administrative barriers.

For EPA increases exceeding the ceiling percentage established in the solicitation, Acquisition Letter MV-22-02 initially lowered the approval level from the contracting director to one level above the contracting officer. This Supplement, in recognition of

ongoing price volatility and impacts to the global economy, removes the requirement to obtain additional approvals. This means that all requests for EPA increases can be approved by the contracting officer, whether above or below the ceiling percentage established in the solicitation. Contracting officers should review all EPA requests consistently and in line with the terms of the underlying contract.

This Supplement also extends the temporary moratorium on enforcing the following portions of the EPA clause (see Attachment A for details):

- a. Ceiling percentages (note: additional or separate documentation beyond what is normally necessary for increases below the ceiling percentage established in the solicitation is not required for increases above ceiling);
- b. Time-based limitations (e.g., number of days between requested increases); and
- c. Other specific limitations (e.g., number of requests).

This temporary moratorium does not diminish a contracting officer's responsibility for reviewing EPA requests and asking for additional information, if applicable, within the confines of what is normally necessary for processing EPA requests. Specifically, EPA requests must be evaluated to ensure the request is justified.

- When the request is based on a previously agreed upon market indicator, the justification should be straightforward, as the contract price and market indicator have already been determined fair and reasonable.
- When the request is based upon a previously agreed upon catalog price, if the contractor provides the updated pricelist showing the price increase and effective date, certifies no changes to commercial sales practices and provides supporting documentation, the modification should be straightforward.

3. Applicability.

- a. This Supplement applies to GSA contracts that include the following clauses¹:
 - i. 552.216-70, Economic Price Adjustment—FSS Multiple Award Schedule Contracts; Alternate I; and Deviation II;
 - ii. I-FSS-969, Economic Price Adjustment—FSS Multiple Award Schedule; and Alternate II; and
 - iii. 552.216-71, Economic Price Adjustment—Special Order Program Contracts; Alternate I; and Alternate II.
- b. This Supplement only applies to the specific text identified in the clauses provided in Attachment A of this Supplement. All other terms and conditions of the clauses remain unchanged and in full force and effect.
- c. The application of this Supplement is discretionary for VA Federal Supply Schedule contracts that include the clauses listed in 3.a.

4. Effective Date. This Supplement is effective immediately and will remain in effect until March 31, 2023, unless otherwise extended.

¹See Attachment A for specific details.

5. Requirements.

- a. *Federal Acquisition Service (FAS)*. To support the implementation of this temporary moratorium, FAS shall take actions as deemed necessary, including developing a communication approach, training acquisition workforce, and tracking the usage of this authority.
- b. *Contracting Officers*. For tracking purposes, when using the authority provided by this temporary moratorium, the contracting officer must add the text “AL MV-22-02” in block 13C of the SF-30, along with the applicable EPA clause(s).

- 6. Points of Contact.** Questions regarding this Supplement may be directed to GSARPolicy@gsa.gov. Additional guidance can be found on [FAS's Acquisition by Topic page](#).

Attachment.

Attachment A - GSA EPA Clause Text

ACQUISITION LETTER MV-22-02 SUPPLEMENT 1

ATTACHMENT A - GSA EPA CLAUSE TEXT

Purpose: This attachment identifies the clauses and specific clause text covered by the temporary moratorium. **Clause text that is shaded indicates the specific clause requirement(s) that does not need to be enforced by the Government/contracting officer.** For example, the text in paragraph (b)(2) of the basic version of GSAR clause 552.216-70 is shaded, thereby indicating the condition of “Only three increases will be considered during the contract period” is not to be enforced.

Baseline:

- Clauses 1 through 5 are based on Class Deviation CD-2019-14, Effective Date 10/01/2019.
- Clauses 6 through 8 are based on GSAM Change 154, Effective Date 7/26/2022.
- Clause text covered by the temporary moratorium is indicated by shaded text.
- Three asterisks (* * *) indicate that there are no revisions between the preceding and following paragraphs of the clause.

1. GSAR clause 552.216-70 Economic Price Adjustment—FSS Multiple Award Schedule Contracts (SEP 1999)

Price adjustments include price increases and price decreases. Adjustments will be considered as follows:

* * *

(b) Contractors may request price increases under the following conditions:

(1) Increases resulting from a reissue or other modification of the Contractor's commercial catalog/pricelist that was used as the basis for the contract award.

(2) Only three increases will be considered during the contract period.

(3) Increases are requested after the first 30 days of the contract period and prior to the last 60 days of the contract period.

(4) At least 30 days elapse between requested increases.

(c) The aggregate of the increases in any contract unit price under this clause shall not exceed * percent of the original contract unit price. The Government reserves the right to raise this ceiling where changes in market conditions during the contract period support an increase.

(d) * * *

(End of clause)

*Insert the percent appropriate at the time the solicitation is issued. This percentage should normally be 10 percent, unless based on a trend established by an appropriate index such as the Producer Prices and Price Index during the most recent 6-month period indicates that a different percentage is more appropriate. Any ceiling other than 10 percent must be approved by the contracting director.

2. GSAR clause 552.216-70, Economic Price Adjustment—FSS Multiple Award Schedule Contracts (SEP 1999) (Alternate I - SEP 1999)

Price adjustments include price increases and price decreases. Adjustments will be considered as follows:

* * *

(b) Contractors may request price increases to be effective on or after the first 12 months of the contract period providing all of the following conditions are met:

(1) Increases resulting from a reissue or other modification of the Contractor's commercial catalog/pricelist that was used as the basis for the contract award.

(2) No more than three increases will be considered during each succeeding 12-month period of the contract. (For succeeding contract periods of less than 12 months, up to three increases will be considered subject to the other conditions of this paragraph (b)).

(3) Increases are requested before the last 60 days of the contract period.

(4) At least 30 days elapse between requested increases.

(c) Any contract period during which price increases will be considered, the aggregate of the increases during any 12-month period shall not exceed * percent of the contract unit price in effect at the end of the preceding 12-month period. The Government reserves the right to raise the ceiling when market conditions during the contract period support such a change.

(d) * * *

(End of clause)

*Insert the percentage appropriate at the time the solicitation is issued. This percentage should be determined based on the trend established by an appropriate index such as the Producer Prices and Price Index. A ceiling of more than 10 percent must be approved by the Contracting Director.

3. GSAR clause 552.216-70 Economic Price Adjustment—FSS Multiple Award Schedule Contracts (SEP 1999) (Deviation II - JUL 2016)

(a) * * *

(b) Contractors may request price increases to be effective on or after the first 12 months of the contract period providing all of the conditions are met:

(1) No more than three increases will be considered during each succeeding 12-month period of the contract. For succeeding contract periods of less than 12 months, up to three increases will be considered subject to the other conditions of this subparagraph (b).

(2) Increases are requested before the last 60 days of the contract period.

(3) At least 30 days elapse between requested increases.

(c) Any contract period during which price increases will be considered, the aggregate of the increases during any 12-month period shall not exceed _____ [Insert the percentage appropriate at the time the solicitation is issued. This percentage should be determined based on the trend established by an appropriate index such as the Producer Prices and Price Index. A ceiling of more than 10 percent must be approved by the Contracting Director.] percent of the contract unit price in effect at the end of the preceding 12-month period. The Government reserves the right to raise the ceiling when market conditions during the contract period support such a change.

(d) * * *

(End of clause)

4. FAS clause I-FSS-969 Economic Price Adjustment - FSS Multiple Award Schedule (OCT 2014)

Price adjustments include price increases and price decreases. Adjustments will be considered as follows:

* * *

(b) There are two types of economic price adjustments (EPAs) possible under the Multiple Award Schedules (MAS) program for contracts not based on commercial catalogs or price lists as described below. Price adjustments may be effective on or after the first 12 months of the contract period on the following basis:

(1) Adjustments based on escalation rates negotiated prior to contract award. Normally, when escalation rates are negotiated, they result in a fixed price for the term of the contract. No separate contract modification will be provided when increases are based on negotiated escalation rates. Price increases will be effective on the 12-month anniversary date of the contract effective date, subject to paragraph (f), below.

* * *

(d) Conditions of Price change requests under paragraphs b(2) and c above:

(1) No more than three increases will be considered during each succeeding 12-month period of the contract. (For succeeding contract periods of less than 12 months, up to three increases will be considered subject to the other conditions of subparagraph (b)).

(2) Increases are requested before the last 60 days of the contract period, including options.

(3) At least 30 days elapse between requested increases.

(4) In any contract period during which price increases will be considered, the aggregate of the increases during any 12-month period shall not exceed * _____ *

percent (* _____ %) of the contract unit price in effect at the end of the preceding 12-month period. The Government reserves the right to raise the ceiling when market conditions during the contract period support such a change.

(e) * * *

(End of clause)

5. FAS clause I-FSS-969 Economic Price Adjustment - FSS Multiple Award Schedule (OCT 2014) (Alternate II - JUL 2016)

Price adjustments include price increases and price decreases. Adjustments will be considered as follows:

* * *

(b) There are two types of economic price adjustments (EPAs) possible under the Multiple Award Schedules (MAS) program for contracts not based on commercial catalogs or price lists as described below. Price adjustments may be effective on or after the first 12 months of the contract period on the following basis:

(1) Adjustments based on escalation rates negotiated prior to contract award. Normally, when escalation rates are negotiated, they result in a fixed price for the term of the contract. No separate contract modification will be provided when increases are based on negotiated escalation rates. Price increases will be effective on the 12-month anniversary date of the contract effective date, subject to paragraph (f), below.

* * *

(d) Conditions of Price change requests under paragraphs b(2) and c above:

(1) No more than three increases will be considered during each succeeding 12-month period of the contract. (For succeeding contract periods of less than 12 months, up to three increases will be considered subject to the other conditions of subparagraph (b)).

(2) Increases are requested before the last 60 days of the contract period, including options.

(3) At least 30 days elapse between requested increases.

(4) In any contract period during which price increases will be considered, the aggregate of the increases during any 12-month period shall not exceed * _____ * percent (* _____ %) of the contract unit price in effect at the end of the preceding 12-month period. The Government reserves the right to raise the ceiling when market conditions during the contract period support such a change.

(e) * * *

(End of clause)

6. GSAR clause 552.216-71 Economic Price Adjustment—Special Order Program Contracts (AUG 2010)

(a) * * *

(b) During the term of the contract, the award price may be adjusted once during each 12-month period upward or downward. However, if an upward adjustment, a

maximum of _____* percent shall apply. Any price adjustment for the product code shall be based upon the percentage change in the PPI released in the month prior to the initial month of the contract period specified in the solicitation for sealed bidding or the month prior to award in negotiation (the base index) and the PPI released 12 months later (the updated index). The formula for determining the Adjusted Contract Price (ACP) applicable to shipments for the balance of the contract period is—

* * *

(End of clause)

7. GSAR clause 552.216-71 Economic Price Adjustment—Special Order Program Contracts (AUG 2010) (Alternate I - AUG 2010)

(a) * * *

(b) Once during each 12-month period, the contract price may be adjusted upward or downward a maximum of _____* percent.

* * *

(End of clause)

8. GSAR clause 552.216-71 Economic Price Adjustment—Special Order Program Contracts (AUG 2010) (Alternate II - AUG 2010)

(a) * * *

(b) During the term of the contract, the award price may be adjusted once during each 12-month period upward or downward. However, if an upward adjustment, a maximum of _____* percent shall apply. Any price adjustment for the product code shall be based upon the percentage change in the PPI released in the month prior to the initial month of the contract period specified in the solicitation for sealed bidding or the month prior to award in negotiation (the base index) and the PPI released 12 months later (the updated index). The formula for determining the Adjusted Contract Price (ACP) applicable to shipments for the balance of the contract period is—

* * *

(g) No price adjustment will be made unless the percentage change in the PPI is at least _____* percent.

(End of clause)



3/17/2022

GSA Office of Governmentwide Policy
Acquisition Letter MV-22-02

MEMORANDUM FOR FAS HEADS OF CONTRACTING ACTIVITY

FROM: JEFFREY A. KOSES DocuSigned by:
Jeffrey A. Koses
749D909F8AC4A0...
SENIOR PROCUREMENT EXECUTIVE
OFFICE OF ACQUISITION POLICY (MV)

MARK J. LEE DocuSigned by:
Mark Lee
0B572908F8447F...
ASSISTANT COMMISSIONER
OFFICE OF POLICY AND COMPLIANCE (QV)
FEDERAL ACQUISITION SERVICE

SUBJECT: Temporary Moratorium on Enforcement of Certain Limitations Contained in Certain GSA Economic Price Adjustment (EPA) Contract Clauses

- 1. **Purpose.** This Acquisition Letter (hereinafter Letter) establishes temporary flexibility on limitations on price increases. This Letter also provides a temporary moratorium on the enforcement of a number of limitations contained in certain GSA EPA contract clauses. These steps are taken in recognition of the impact of inflation on GSA contractors and their ability to support federal agencies.
- 2. **Background.** Various factors continue to impact the global economy and disrupt supply chains, leading to general shortages and delays as well as price volatility. During this unusual time, GSA is seeing an increase in contract modification requests from contractors to increase pricing.

GSAR Clause 552.216-70, Economic Price Adjustment—FSS Multiple Award Schedule Contracts, permits an increase in the ceiling with the approval of the Contracting Director. This clause also establishes limits on when and how often contractors may request price increases. The other EPA clauses (listed in this Letter and shown in Attachment A) have a similar structure, with caps on annual increases, and limits on when and how often increases may be requested.

While EPA clauses normally act to protect GSA’s interests, in the current marketplace they make it harder for Federal agencies to acquire needed goods, services, and solutions. Contractors are removing items from the Federal Supply Schedules contracts to avoid selling at a loss. This particularly hurts new entrants and small businesses, the very firms the President’s initiatives around procurement equity are designed to support.

To ensure that GSA is able to continue offering a full range of products, services, and solutions, GSA must be flexible in how it applies these EPA contract clauses.

Therefore, this Letter:

1. Lowers the approval for price increases above the EPA clause ceiling in 552.216-70, from the contracting director to one level above the contracting officer;
2. Relaxes time limitations on EPA increases;
3. Relaxes limitations on the number of EPA increases a contractor may request; and
4. Clarifies that if a contractor has removed an item from their Schedule contract, GSA will not enforce the limitation on adding the same item back at a higher price.

Even with this added flexibility, contracting officers remain responsible for evaluating price increases and may accept them, negotiate them, or remove items from the underlying contract.

3. Applicability.

- a. This Letter only applies to GSA contracts that include the following clauses¹:
 - i. GSAR 552.216-70, Economic Price Adjustment—FSS Multiple Award Schedule Contracts; Alternate I; and Deviation II;
 - ii. I-FSS-969, Economic Price Adjustment—FSS Multiple Award Schedule; and Alternate II; and
 - iii. GSAR 552.216-71, Economic Price Adjustment—Special Order Program Contracts; Alternate I; and Alternate II.
- b. The application of this Letter is discretionary for VA Federal Supply Schedule contracts that include these clauses.
- c. The moratorium only applies to the specific text identified in the clauses provided in Attachment A of this Letter. All other terms and conditions of the clauses remain unchanged and in full force and effect.

4. Effective Date. This Letter is effective immediately and will remain in effect until September 30, 2022, unless otherwise extended.

5. Requirements.

- a. *FAS.* To support the implementation of this Letter, FAS should take actions as deemed necessary, including developing a communication approach, training acquisition workforce, and tracking the usage of this temporary moratorium.
- b. *Contracting Officers.* Contracting Officers—
 - i. Are still responsible for processing EPA requests, including conducting a thorough evaluation, according to applicable policies and procedures;
 - ii. May process EPA requests according to the applicable EPA clauses without the limitations covered by the moratorium;

¹See Attachment A. Clauses listed in paragraphs (i) and (ii) are baselined from [Class Deviation CD-2019-14](#). Clauses listed in paragraph (iii) are baselined from the current GSAR.

- iii. May approve EPA requests for increases that exceed the ceiling established in the solicitation with approval one level above the Contracting Officer; and
- iv. May add a previously deleted item, that is the same or substantially equal, at a higher price, during the same contract period, if the Contracting Officer finds the higher price to be fair and reasonable.
- v. For tracking purposes, when using the authority of this Letter, must add the text 'AL MV 22-02' in block 13C of the SF-30, along with the applicable EPA clauses.

6. Point of Contacts. Questions regarding this Letter may be directed to GSARPolicy@gsa.gov.

Attachment.

Attachment A - GSA EPA Clause Text Covered

ACQUISITION LETTER MV-22-02

**ATTACHMENT A
GSA EPA CLAUSE TEXT COVERED
BY THE TEMPORARY MORATORIUM**

- Clauses 1 through 5 are based on Class Deviation CD-2019-14, Effective Date 10/01/2019.
- Clauses 6 through 8 are based on GSAM Change 151, Effective Date 03/11/2022.
- Text covered by the temporary moratorium is indicated by ~~strikethrough~~
- Three asterisks (* * *) indicate that there are no revisions between the preceding and following paragraphs of the clause.

1. GSAR 552.216-70 Economic Price Adjustment—FSS Multiple Award Schedule Contracts (SEP 1999)

Price adjustments include price increases and price decreases. Adjustments will be considered as follows:

* * *

(b) Contractors may request price increases under the following conditions:

(1) Increases resulting from a reissue or other modification of the Contractor's commercial catalog/pricelist that was used as the basis for the contract award.

(2) ~~Only three increases will be considered during the contract period.~~

(3) ~~Increases are requested after the first 30 days of the contract period and prior to the last 60 days of the contract period.~~

(4) ~~At least 30 days elapse between requested increases.~~

(c) The aggregate of the increases in any contract unit price under this clause shall not exceed * percent of the original contract unit price. The Government reserves the right to raise this ceiling where changes in market conditions during the contract period support an increase.

* * *

(End of clause)

*Insert the percent appropriate at the time the solicitation is issued. This percentage should normally be 10 percent, unless based on a trend established by an appropriate index such as the Producer Prices and Price Index during the most recent 6-month period indicates that a different percentage is more appropriate. ~~Any ceiling other than 10 percent must be approved by the contracting director.~~

2. GSAR 552.216-70, Economic Price Adjustment—FSS Multiple Award Schedule Contracts (SEP 1999) (Alternate I SEP 1999)

Price adjustments include price increases and price decreases. Adjustments will be considered as follows:

* * *

(b) Contractors may request price increases ~~to be effective on or after the first 12 months of the contract period~~ providing all of the following conditions are met:

(1) Increases resulting from a reissue or other modification of the Contractor's commercial catalog/pricelist that was used as the basis for the contract award.

(2) ~~No more than three increases will be considered during each succeeding 12-month period of the contract. (For succeeding contract periods of less than 12 months, up to three increases will be considered subject to the other conditions of this paragraph (b)).~~

(3) ~~Increases are requested before the last 60 days of the contract period.~~

(4) ~~At least 30 days elapse between requested increases.~~

(c) Any contract period during which price increases will be considered, the aggregate of the increases during any 12-month period shall not exceed _____* percent of the contract unit price in effect at the end of the preceding 12-month period. The Government reserves the right to raise the ceiling when market conditions during the contract period support such a change.

* * *

(End of clause)

*Insert the percentage appropriate at the time the solicitation is issued. This percentage should be determined based on the trend established by an appropriate index such as the Producer Prices and Price Index. ~~A ceiling of more than 10 percent must be approved by the Contracting Director.~~

3. GSAR 552.216-70 Economic Price Adjustment—FSS Multiple Award Schedule Contracts (SEP 1999) (Deviation II JUL 2016)

(a) * * *

(b) Contractors may request price increases ~~to be effective on or after the first 12 months of the contract period~~ providing all of the conditions are met:

(1) ~~No more than three increases will be considered during each succeeding 12-month period of the contract. For succeeding contract periods of less than 12 months, up to three increases will be considered subject to the other conditions of this subparagraph (b).~~

(2) ~~Increases are requested before the last 60 days of the contract period.~~

(3) ~~At least 30 days elapse between requested increases.~~

(c) Any contract period during which price increases will be considered, the aggregate of the increases during any 12-month period shall not exceed _____ *[Insert the percentage appropriate at the time the solicitation is*

issued. This percentage should be determined based on the trend established by an appropriate index such as the Producer Prices and Price Index. ~~A ceiling of more than 10 percent must be approved by the Contracting Director.~~ percent of the contract unit price in effect at the end of the preceding 12-month period. The Government reserves the right to raise the ceiling when market conditions during the contract period support such a change.

* * *

(End of clause)

4. I-FSS-969 Economic Price Adjustment—FSS Multiple Award Schedule (OCT 2014)

Price adjustments include price increases and price decreases. Adjustments will be considered as follows:

* * *

(b) There are two types of economic price adjustments (EPAs) possible under the Multiple Award Schedules (MAS) program for contracts not based on commercial catalogs or price lists as described below. ~~Price adjustments may be effective on or after the first 12 months of the contract period on the following basis:~~

(1) Adjustments based on escalation rates negotiated prior to contract award. Normally, when escalation rates are negotiated, they result in a fixed price for the term of the contract. No separate contract modification will be provided when increases are based on negotiated escalation rates. ~~Price increases will be effective on the 12-month anniversary date of the contract effective date, subject to paragraph (f), below.~~

* * *

(d) Conditions of Price change requests under paragraphs b(2) and c above:

~~(1) No more than three increases will be considered during each succeeding 12-month period of the contract. (For succeeding contract periods of less than 12 months, up to three increases will be considered subject to the other conditions of subparagraph (b)).~~

~~(2) Increases are requested before the last 60 days of the contract period, including options.~~

~~(3) At least 30 days elapse between requested increases.~~

* * *

(End of clause)

5. I-FSS-969 Economic Price Adjustment – FSS Multiple Award Schedule (OCT 2014) (Alternate II JUL 2016)

Price adjustments include price increases and price decreases. Adjustments will be considered as follows:

* * *

(b) There are two types of economic price adjustments (EPAs) possible under the Multiple Award Schedules (MAS) program for contracts not based on commercial

catalogs or price lists as described below. ~~Price adjustments may be effective on or after the first 12 months of the contract period on the following basis:~~

(1) Adjustments based on escalation rates negotiated prior to contract award. Normally, when escalation rates are negotiated, they result in a fixed price for the term of the contract. No separate contract modification will be provided when increases are based on negotiated escalation rates. ~~Price increases will be effective on the 12-month anniversary date of the contract effective date, subject to paragraph (f), below.~~

* * *

(d) Conditions of Price change requests under paragraphs b(2) and c above:

~~(1) No more than three increases will be considered during each succeeding 12-month period of the contract. (For succeeding contract periods of less than 12 months, up to three increases will be considered subject to the other conditions of subparagraph (b)).~~

~~(2) Increases are requested before the last 60 days of the contract period, including options.~~

~~(3) At least 30 days elapse between requested increases.~~

* * *

(End of clause)

6. GSAR 552.216-71 Economic Price Adjustment—Special Order Program Contracts (AUG 2010)

(a) * * *

(b) During the term of the contract, the award price may be adjusted ~~once during each 12-month period~~ upward or downward. However, if an upward adjustment, a maximum of _____* percent shall apply. Any price adjustment for the product code shall be based upon the percentage change in the PPI released in the month prior to the initial month of the contract period specified in the solicitation for sealed bidding or the month prior to award in negotiation (the base index) and the PPI released 12 months later (the updated index). The formula for determining the Adjusted Contract Price (ACP) applicable to shipments for the balance of the contract period is—

* * *

(End of clause)

7. GSAR 552.216-71 Economic Price Adjustment—Special Order Program Contracts (AUG 2010) (Alternate I AUG 2010)

* * *

(b) ~~Once during each 12-month period,~~ the contract price may be adjusted upward or downward a maximum of _____* percent.

* * *

(End of clause)

8. GSAR 552.216-71 Economic Price Adjustment—Special Order Program Contracts (AUG 2010) (Alternate II AUG 2010)

(a) * * *

(b) During the term of the contract, the award price may be adjusted ~~once during each 12-month period~~ upward or downward. However, if an upward adjustment, a maximum of _____* percent shall apply. Any price adjustment for the product code shall be based upon the percentage change in the PPI released in the month prior to the initial month of the contract period specified in the solicitation for sealed bidding or the month prior to award in negotiation (the base index) and the PPI released 12 months later (the updated index). The formula for determining the Adjusted Contract Price (ACP) applicable to shipments for the balance of the contract period is— * * *

* * *

(End of clause)