

U.S. Environmental Protection Agency

Class Deviation to FAR Part 52.2 Ensuring Adequate COVID-19 Safety Protocols for Federal Contracts

FINDINGS

1. To maximize the goal of getting more people vaccinated and decrease the spread of COVID-19, [Executive Order 14042](#), *Ensuring Adequate COVID-19 Safety Protocols for Federal Contracts*, requires agencies to include a clause requiring contractors and subcontractors at any tier to comply with all guidance for contractor workplace locations as published by the [Safer Federal Workforce Task Force](#) (Task Force Guidance).
2. Consequently, the Federal Acquisition Regulation (FAR) Council has issued Civilian Agency Acquisition Council (CAAC) Letter 2021-03 authorizing agencies to deviate from the FAR by using new FAR clause 52.223-99, *Ensuring Adequate COVID-19 Safety Protocols for Federal Contracts*, until the FAR has officially been amended through FAR Case 2021-021, *Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors*.
3. Executive agencies are given the authorization to issue a class deviation, in accordance with FAR 1.404, under Civilian Agency Acquisition Council (CAAC) Letter 2021-03. The CAAC Letter also constitutes consultation with the Chair of the CAAC as required by FAR 1.404(a)(1).

DETERMINATION

1. Under the authority of FAR 1.404 and based upon the above findings, I grant a class deviation to FAR Part 52.2 as detailed in the attached FAR deviation text. The FAR text deviation is taken directly from CAAC Letter 2021-03.
2. This deviation is effective at the date of signature below and shall remain in effect until incorporated into the FAR, superseded, or is otherwise rescinded.

Kimberly Y. Patrick, Director
Office of Acquisition Solutions

Date

Attachments:
FAR 52.223-99 Prescription and Deviation Clause Text
CAAC Letter 2021-03