



## SOCIAL SECURITY

### MEMORANDUM

**Date:** April 24, 2025 **Refer To:** S1QC

**To:** Office of Acquisition and Grants (OAG) Staff

**From:** Angie Landis //s//  
Lead Procurement Analyst, Division of Policy and Purchase Card Administration (DPPCA),  
Office of Acquisition Support

**Subject:** Flash Notice (FN) 23\_25-01 – Class Deviation from the Federal Acquisition Regulation (FAR) to Implement Executive Order (E.O.) 14148, *Initial Recissions of Harmful Executive Orders and Actions*, which revoked E.O. 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, and Section 2 of Executive Order 14208, *Ending Procurement and Forced Use of Paper Straws*

### **Purpose**

This FN implements the agency's approval of a FAR class deviation pursuant to Civilian Agency Acquisition Counsel (CAAC) Letter 2025-02, issued on February 15, 2025, as amended. The CAAC Letter authorized a class deviation to implement the subject E.O.s 14148 and 14208. The FAR parts affected by the class deviation are 11, 18, 23, 37, and 52, including various FAR revisions and clauses.

### **Background**

- On January 20, 2025, President Trump issued [E.O. 14148, \*Initial Recissions of Harmful Executive Orders\*](#). Section 2 revoked E.O. 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, of December 8, 2021. The removal of requirements related to E.O. 14057 eliminated all non-statutory sustainability requirements or preferences in purchases of food services wares.
- On February 10, 2025, President Trump issued [E.O. 14208, \*Ending Procurement and Forced Used of Paper Straws\*](#), which directed agencies to eliminate the procurement of paper straws and ensure paper straws are no longer provided within agency buildings.

## Policy and Procedure

1. Contracting staff shall take note of and adhere to the FAR text deviations on the attached document which encompass deviations to FAR Parts 11, 18, 23, 37, and 52. See below regarding how to apply the solicitation provision and contract clause deviations.
2. **Applicability:** This class deviation applies to all Social Security Administration (SSA) solicitations, blanket purchase agreements (BPAs), and contracts, including those issued against other agency contracts as described under #3 below, but which have *not* been previously modified to remove or edit the same clauses in accordance with the FAR deviation text in [Attachment 2](#). For those not meeting this last criterion, this FN provides guidance to contracting staff for implementing the class deviation for:
  - a. New or open solicitations
  - b. New contracts, BPAs, or orders, and
  - c. Existing contracts, BPAs, or orders
3. For BPAs and Orders Issued under Other Agency Contracts. The General Services Administration (GSA) and other agencies owning Governmentwide contract vehicles used by the Social Security Administration (SSA) to issue BPAs and orders are in the process of modifying their vehicles to implement a class deviation pursuant to CAAC Letter 2025-02. However, such deviations will only apply to those SSA BPAs and orders issued at the time or after the contract modifications are issued and take effect. Therefore, contracting staff must take the same actions prescribed in #4 and #5 below for new and existing SSA orders and BPAs issued against such vehicles prior to such modification. (NOTE: Since contractor representations and certifications are not requested when soliciting under these vehicles, the deviation to 52.212-3 listed in 4.d.ii. will *not* apply to such solicitations.)

To determine whether a particular GSA Multiple Award Schedule (MAS) contract has been updated to implement the class deviation, look up the contract in the GSA eLibrary and click on the “View the specifics for this contract” link under the Contract Clauses/Exceptions (right-hand side) and determine what MAS Refresh number it is on; if it shows it is on Refresh number 25, then the contract has been updated to implement the class deviation that is the subject of this FN (implementing E.O. 14148 and Section 2 of E.O. 14208).<sup>1</sup> (NOTE: Refresh number 25 *also* implements the class deviation that is the subject of concurrent FN 22\_25-01 regarding E.O.s 14173 and 14168.<sup>2</sup>) However, to determine the *specific date* of the contract modification implementing Refresh 25, we recommend asking the contract holder for a copy of the signed modification. In early April 2025, the National Institutes of Health (NIH) indicated they expected class deviation updates to their NITAAC contracts to be completed by the end of the month.

---

<sup>1</sup> GSA issued Refresh 25 to update all MAS contract vehicles for the class deviation on March 25, 2025, with a 30-day acceptance period for MAS holders.

<sup>2</sup> This is FN 22\_25-01 – Class Deviation from the Federal Acquisition Regulation (FAR) to Implement Executive Order (E.O.) 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, and E.O. 14168, *Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*

The National Aeronautics and Space Administration (NASA) did not provide an anticipated timeline regarding their NASA SEWP contracts but assured “any formal guidance and/or modifications pertaining to the contract will be communicated to all Contract Holders and Customers.” Be sure to document in the contract file before issuing a new order against another agency’s contract *without* including the SSA class deviations that you have verified the applicable contract vehicle has been updated with the class deviation as required by this FN.

OAG contracting offices and divisions may wish to share these verifications among their staff to prevent duplication of effort.

4. For New<sup>3</sup> or Open Solicitations and Existing or New BPAs and Contracts. Contracting staff shall take the following actions:
  - a. Amend solicitations (e.g., Request for Proposals (RFP), Request for Quotations (RFQ)). You may do so either prior to solicitation closing, or prior to award, whichever is more efficient.
  - b. For existing BPAs and contracts with remaining periods of performance of six months or more, modify at the next reasonable opportunity.
  - c. For existing BPAs and contracts with six months or less remaining, those BPA’s and contracts do not need to be modified. See #5 below.
  - d. **Where applicable, include** the following deviated provisions and clauses:
    - i. FAR 52.204-8, Annual Representations and Certifications (JAN 2025) (DEVIATION FEB 2025)
    - ii. FAR 52.212-3, Offeror Representations and Certifications—Commercial Products and Commercial Services (MAY 2024) (DEVIATION FEB 2025)
    - iii. FAR 52.212-5, Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Products and Commercial Services (JAN 2025) (DEVIATION FEB 2025)
    - iv. FAR 52.213-4, Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services) (JAN 2025) (DEVIATION FEB 2025)
    - v. FAR 52.223-1, Biobased Product Certification (MAY 2024) (DEVIATION FEB 2025)
    - vi. FAR 52.223-2, Reporting of Biobased Products Under Service and Construction Contracts (MAY 2024) (DEVIATION FEB 2025)
    - vii. FAR 52.223-10, Waste Reduction Program (MAY 2024) (DEVIATION FEB 2025)
    - viii. FAR 52.223-23, Sustainable Products and Services (MAY 2024) (DEVIATION FEB 2025)

NOTE: See Attachments [2\(a\)](#) and [\(b\)](#) below for the deviated text for these deviated provisions and clauses.

---

<sup>3</sup> A rough definition for a solicitation, BPA, or contract considered to be “new” is an award issued within the past 6 months.

- e. Ensure that, when inserting a deviation provision or clause, FAR provision [52.252-5](#), Authorized Deviations in Provisions, and/or FAR clause [52.252-6](#), Authorized Deviations in Clauses, is included, as applicable.
- f. **Include** the following notice which is also available in the agency contract writing system (“SSASy”) as OAG Custom Language #50:

Notice of Delay in Updates to Environmental Representations in the System for Award Management (APR 2025)

System updates may lag policy updates from recent Presidential executive orders affecting environmental contractor representations. The System for Award Management (SAM) may continue to require entities to complete such representations based on provisions that are not included in SSA solicitations, including 52.223-22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation, and paragraph (t) of 52.212-3, Offeror Representations and Certifications-Commercial Products and Commercial Services. SSA will not consider these representations. Entities are not required to, nor are they able to, update their entity registration to remove these representations in SAM.

**g. Do not include the clauses or provisions noted below:**

- i. FAR 52.223-19, Compliance with Environmental Management Systems (MAY 2011)
  - ii. FAR 52.223-22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation (DEC 2016)
5. For Existing BPAs or Contracts or in the Final Period of Performance. For contracts or orders nearing the end of their period of performance (e.g., less than 6 months), and where all options to extend have been exhausted or an option to extend is not planned, contracting officers are not required to revise or remove the FAR clauses or provisions associated with the rescinded E.O. This decision reflects the determination that modifying contracts with limited time remaining is inefficient and the costs do not outweigh the benefits. The contracting officer must provide the following notification to appropriate contractors and subcontractors: Ensure you do not procure or accept paper straws.

Currently, OAG is contemplating a mass notification to SSA contractors for this class deviation and the other anticipated class deviation to implement CAAC Letter 2025-02 through SSASy. More information will be forthcoming on this mass notification.

## **SSASy Updates and Other Implementation Tools**

The deviated provisions and clauses above will be added to SSASy, including the OAG clause templates (including Template #3 for GSA FSS and GWAC orders). The [Agency-Specific FAR Deviations Spreadsheet](#) and Decisional Guide for FAR Clause 52.212-5 will be updated to assist contract staff in ensuring the deviation provisions and clauses are applied as appropriate.

## Authority

This class deviation is issued under the authority of FAR 1.404(a) which provides for approval of a class deviation by an agency head or their designee following consultation with the CAAC chairperson. Based on CAAC Letter 2025-02 which serves as the consultation, the Deputy Commissioner for Mission Support has exercised his delegated authority to approve the class deviation. See Attachment 3 below.

## Effective Date

This class deviation is effective immediately and remains in effect until rescinded or incorporated into the FAR.

## Further Information

Direct questions regarding this FN to Mr. Hilton Thompson, Director, Office of Acquisition Support, OAG at (410) 965-3786 or [Hilton.Thompson@ssa.gov](mailto:Hilton.Thompson@ssa.gov).

## Attachments

### Attachment 1 – CAAC Letter 2025-02

- (a) Initial CAAC Letter Issued February 15, 2025



CAAC Ltr  
2025-02.pdf

- (b) CAAC Letter 2025-02, Supplement 1, Issued February 18, 2025



CAAC Ltr 2025-02  
Supplement 1.pdf

### Attachment 2 – FAR Deviation Text (Including Deviation Provisions and Clauses)

- (a) FAR Deviated Text, Marked-up Version



CAAC Ltr 2025-02  
DEV FAR Text.docx

- (b) FAR Deviated Text, Clean Version



2025-02 Clean  
Version.pdf

Attachment 3 – Agency Class Deviation Approval

[RESERVED]