

**CLASS DEVIATION
FINDINGS AND DETERMINATION
IMPLEMENTATION OF EXECUTIVE ORDER 14042, ENSURING ADEQUATE
COVID SAFETY PROTOCOLS FOR FEDERAL CONTRACTORS**

Findings

1. Executive Order (E.O.) 14042 was signed by the President on September 9, 2021 and published in the Federal Register at 86 FR 50985 on September 14, 2021. The E.O. 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) at https://www.saferfederalworkforce.gov/downloads/Draft%20contractor%20guidance%20doc_20210922.pdf.
2. The Civilian Agency Acquisition Council (CAAC) issued CAAC Letter 2021-03 on September 30, 2021, authorizing agencies to issue class deviations to implement the requirements of E.O. 14042 pending publication of the formal amendment to the Federal Acquisition Regulation (FAR) via FAR case 2021-021.
3. CAAC letter 2021-03 constitutes consultation in accordance with FAR 1.404 with the Chair of the CAAC allowing agencies to authorize a class deviation to implement the changes.

Determination

It is hereby determined that a class deviation (using the FAR Deviation text included in CAAC Letter 2021-03) is appropriate to implement Executive Order 14042. This class deviation is effective upon the date of signature and will remain in effect until cancelled or until the FAR is amended.

John R. Bashista
Director
Office of Acquisition Management,
Department of Energy

S. Keith Hamilton
Deputy Associate Administrator
Acquisition and Project Management
and Senior Procurement Executive
National Nuclear Security Administration

Attachment: CAAC Letter 2021-03 with FAR Deviation text