



CIVILIAN AGENCY ACQUISITION LETTER 2012-02

January 27, 2012

MEMORANDUM FOR CIVILIAN AGENCIES OTHER THAN NASA

FROM:

*for*   
LAURA AULETTA

CHAIR

CIVILIAN AGENCY ACQUISITION COUNCIL (CAAC)

SUBJECT:

Class Deviation from the Federal Acquisition Regulation (FAR)  
to Implement Appropriations Provisions Related to Suspension  
and Debarment

The Consolidated Appropriations Act, 2012 (Pub. L. 112-74), and the Consolidated and Further Continuing Appropriations Act, 2012 (Pub. L. 112-55), prohibit covered agencies from using funds to enter into a contract with a corporation that has unpaid federal tax delinquencies or certain felony convictions unless the corporation has been considered for suspension or debarment and the agency determines that further action is unnecessary to protect the interests of the government. The prohibition applies to many, but not all, federal agencies.

Covered agencies are encouraged to approve a class deviation from the Federal Acquisition Regulation (FAR) to implement their appropriations statute. Each agency is cautioned to work closely with its Office of General Counsel and its Suspending and Debarment Official as the statutory requirements vary by agency. The Department of Defense has approved a class deviation, which is available at [http://www.acq.osd.mil/dpap/dars/class\\_deviations.html](http://www.acq.osd.mil/dpap/dars/class_deviations.html).

This letter constitutes the consultation with the Chair of the CAAC required for a class deviation by FAR section 1.404(a)(1). Agencies are reminded that FAR section 1.404 requires agencies to furnish a copy of each approved class deviation to the FAR Secretariat, General Services Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1275 First Street, NE., 7th Floor, Washington, DC 20417 or by FAX: (202) 501-4067. 0

If you have questions or require additional information regarding this memorandum, please contact Patricia Corrigan at (202) 208-1963, or by email at [patricia.corrigan@gsa.gov](mailto:patricia.corrigan@gsa.gov).

