



May 12, 2023

CAAC Letter 2020-01
Supplement 1

MEMORANDUM FOR CIVILIAN AGENCIES

FROM: WILLIAM CLARK
CHAIR
CIVILIAN AGENCY ACQUISITION COUNCIL (CAAC)

SUBJECT: Supplement to the Class Deviation From the Federal Acquisition Regulation
Regarding Flexibilities for the Suspending or Debaring Official's Correspondence
with Contractors

This supplement updates the rationale for CAAC letter 2020-01 in light of the end of the Novel Coronavirus 2019 (COVID-19) pandemic national emergency and the return to Federal work space for some Federal agencies.

CAAC letter 2020-01 was issued to serve as consultation in accordance with Federal Acquisition Regulation (FAR) 1.404 allowing agencies to authorize a class deviation to provide flexibilities for Suspending or Debaring Officials (SDOs) who need to correspond with contractors being suspended, proposed for debarment, or debarred. The CAAC letter allowed agencies to deviate from the FAR to allow greater flexibility for SDO's by providing a means of electronic delivery of notices of suspension, proposed debarment, and debarment to contractors during emergencies and crisis such as the COVID-19 national emergency.

Agencies benefited from the increased flexibility for SDO engagement using electronic means. The Interagency Suspension and Debarment Committee recommended the flexibilities be retained and implemented permanently in the FAR.

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration have undertaken rulemaking to formally incorporate these changes to the FAR via FAR case 2019-015, Improving Consistency Between Procurement & Non-Procurement Procedures on Suspension and Debarment. This CAAC letter remains in effect until publication of the 2019-015 final FAR rule.

Agencies are reminded that FAR 1.404 requires agencies to furnish a copy of each approved class deviation to the GSA Regulatory Secretariat. Agencies must email the deviation to GSARegSec@gsa.gov. Please include whether or not the document can be posted on [acquisition.gov](https://www.acquisition.gov).

If you have any questions or require additional information about this Letter, please contact Malissa Jones at (571) 882-4687 or at malissa.jones@gsa.gov.