



UNITED STATES DEPARTMENT OF COMMERCE
Chief Financial Officer and
Assistant Secretary for Administration
Washington, D.C. 20230

CLASS DEVIATION FROM THE FEDERAL ACQUISITION REGULATION

Determination and Findings

In accordance with Civilian Agency Acquisition Council (CAAC) Letter 2023-01, "Class Deviation from the Federal Acquisition Regulation (FAR) to provide time for the system implementation of Federal Acquisition Circular (FAC) 2022-08," the Department of Commerce is authorizing a class deviation to utilize the new policies in FAC 2022-08 (87 FR 58218) published on September 23, 2022, with an effective date of October 28, 2022. This deviation allows the Department of Commerce to use the new policies while the Integrated Award Environment (IAE) is working to implement the new policies in the Federal e-business systems (i.e., the System for Award Management (SAM)).

Findings

- The FAR cases in FAC 2022-08 make changes to entity representations in SAM (i.e., FAR provisions 52.212-3, Offeror Representations and Certifications—Commercial Products and Commercial Services, at paragraph (c) and 52.219-1, Small Business Program Representations, also at paragraph (c)). Starting October 28, 2022, the new version of these two provisions will be shown on eCFR and acquisition.gov, but will not appear on SAM. Until the SAM system is updated, contracting officers cannot rely on certain representations in SAM.
- The procedures outlined in CAAC Letter 2023-01 should be followed until the FAR changes are implemented in SAM.gov.

Determination

In accordance with FAR 1.404, I hereby authorize this class deviation. No areas of the FAR are changed by this deviation.

This class deviation will remain in effect until rescinded or FAR changes are implemented in SAM.gov.

Approved:
Olivia J. Bradley
Senior Procurement Executive and
Director for Acquisition Management

10/26/2022

Date: