



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

PROCUREMENT MEMORANDUM 2023-01

ACTION

MEMORANDUM FOR: Senior Bureau Procurement Officials

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

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation to provide time for the system implementation of Federal Acquisition Circular (FAC) 2022-08

Background

The FAR cases in FAC 2022-08 (87 FR 58218) make changes to entity representations in the System for Award Management (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.

Purpose

This class deviation is issued in accordance with FAR 1.404 and pursuant to Civilian Agency Acquisition Council (CAAC) Letter 2023-01 to utilize the new policies in FAC 2022-08 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)).

Required Actions

Contracting officers shall comply with the procedures outlined in Attachment A.

Effective Date

This deviation is effective October 28, 2022, and remains in effect until rescinded or the FAR changes are implemented in SAM.gov.

Questions

Please direct any questions regarding this Procurement Memorandum to OAM_Mailbox@doc.gov.

Attachment A – Contracting Officer Procedures