



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

CLASS DEVIATION FROM THE FEDERAL ACQUISITION REGULATION

Subparts 9.4—Debarment, Suspension and Ineligibility Determination and Findings

In accordance with Civilian Agency Acquisition Council (CAAC) Letter 2020-01 Supplement 1, “Supplement to the Class Deviation From the Federal Acquisition Regulation Regarding Flexibilities for the Suspending or Debarring Official’s Correspondence with Contractors,” dated May 12, 2023, the Department of Commerce is authorizing a class deviation which provides greater flexibility for Suspension Debarment Officials by providing a means of electronic delivery of notices of suspension, proposed debarment, and debarment to contractors in addition to certified mail, return receipt requested and allowing contractors to make presentations via telephone or internet.

Findings

Supplement 1 to CAAC Letter 2020-01 allows agencies to authorize a class deviation to provide flexibilities to Suspending and Debarring Officials who need to correspond with contractors being suspended, proposed for debarment, or debarred. A class deviation is necessary so that Suspending and Debarring officials may provide a means of electronic delivery of suspension, proposed debarment and debarment notices and use flexible procedures to allow a contractor to present matters in opposition via telephone or internet.

Determination

In accordance with FAR 1.404, I hereby authorize this class deviation which provides greater flexibilities for the Suspending or Debarring Official’s correspondence with contractors. The areas of the FAR that are being amended by this class deviation are: 9.406-3(b)(1), (c), and (e); 9.407-3(b)(1), (c), and (d)(4).

This class deviation will remain in effect until rescinded or incorporated into the FAR.

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

Date: