

Date: May 19, 2023

From: Executive Director, Office of Acquisition and Logistics (003A), and Senior Procurement Executive

Subj: Class Deviation from the Federal Acquisition Regulation Regarding Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors - Supplement to Rescind CAAC Letter 2021-03

To: Heads of the Contracting Activities

**1. Purpose.** To issue a class deviation, in accordance with FAR 1.404 and as authorized by the Civilian Agency Acquisition Council (CAAC) letter 2021-03, Supplement, dated May 12, 2023, which rescinds CAAC Letter 2021-03 dated September 30, 2021. This deviation rescinds the Department of Veterans Affairs Class Deviation from the Federal Acquisition Regulation Regarding Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors dated October 1, 2021, and its revision dated December 14, 2021.

**2. Effective Date.** Immediately.

**3. Expiration Date.** Not applicable.

**4. Applicability.** This class deviation applies to all VA contracting activities.

**5. Current FAR Policy.** CAAC Letter 2021-03 was issued to serve as consultation in accordance with FAR 1.404, authorizing agencies to issue a class deviation to implement Executive Order (E.O.) 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors. Executive Order 14042 was signed by the President on September 9, 2021, and published in the Federal Register at 86 FR 50985 on September 14, 2021. The E.O. required agencies to include a clause requiring contractors and subcontractors at any tier to comply with all guidance for contractor or subcontractor workplace locations as published by the Safer Federal Workforce Task Force at <https://www.saferfederalworkforce.gov/contractors/>. The clause, FAR 52.223-99, applied to solicitations and contracts for services, including construction.

**6. Need for Deviation.** E.O. titled "Moving Beyond COVID-19 Vaccination Requirements for Federal Workers" effective at 12:01am on May 12, 2023, revokes E.O. 14042. Consistent with the "Moving Beyond COVID-19 Vaccination Requirements for Federal Workers" E.O., any agency policies that have been adopted to implement E.O. 14042 can no longer be enforced and must be rescinded. As such, clause 52.223-99, Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors, shall no longer be included or enforced in any solicitation or contract.

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
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**7. Required Action.** Contracting officers shall no longer include or enforce FAR clause 52.223-99 in any solicitation or contract.

**8. Additional information.** Send questions to [va.procurement.policy@va.gov](mailto:va.procurement.policy@va.gov).

**ANGELA BILLUPS**

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