

**U. S. DEPARTMENT OF AGRICULTURE
DEPARTMENTAL MANAGEMENT
OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT**

CLASS DEVIATION

SUBJECT: Class Deviation from the Federal Acquisition Regulation (FAR) Subpart 9.4
Implementing Appropriations Provisions Related to Suspension and Debarment.

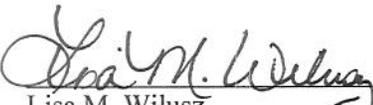
FINDINGS:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012 (Pub. L. 112-55) and the Consolidated Appropriations Act, 2012 (Pub. L. 112-74) prohibit the use of funds to enter into a contract with a corporation that has unpaid Federal tax delinquencies or certain felony convictions unless the corporation has been considered for suspension or debarment and the agency determines that further action is unnecessary to protect the interests of the government.

A rule amending the FAR will be issued by the FAR Council in the future. In the meantime, covered agencies have been encouraged in writing by the Civilian Agency Acquisition Council (CAAC) to approve a FAR class deviation to implement their appropriations statutes (Civilian Agency Acquisition Letter 2012-02, dated January 27, 2012). The CAAC Letter constitutes the consultation with the Chair of the CAAC required for a class deviation by FAR section 1.404(a)(1).

DETERMINATION:

In accordance with the statutory requirements and guidance cited above, I hereby determine that a class deviation shall be issued to require representations by corporations regarding an unpaid delinquent tax liability or a felony conviction. This deviation will be issued through an AGAR advisory. This deviation will remain effective until it is incorporated into the FAR or is otherwise rescinded.



Lisa M. Wilusz
Senior Procurement Executive

3-22-12

Date