

Interim Policy Notice 25-01
Class Deviation to Multiple Clauses and Provisions Resulting from CAAC Letter 2025-01
Supplement 1
April 3, 2025

Purpose.

The purpose of this interim policy notice is to provide guidance to Contracting Officers (COs), Contract Specialists (CSs) and Contracting Officer's Representatives (CORs) on the recent Federal Acquisition Regulation (FAR) Class Deviation authorized by the Civilian Acquisition Advisory Council (CAAC) in CAAC Letter 2025-01 Supplement 1. This deviation affects multiple FAR clauses and provisions.

Authority/Applicability.

This IPN is issued in accordance with FAR 1.404(a).

Policy.

1. CAAC directed that when issuing new solicitations or contracts, **do not include** any of the following provisions and clauses:
 - 52.222-9, Apprentices and Trainees
 - 52.222-21, Prohibition of Segregated Facilities
 - 52.222-22, Previous Contracts and Compliance Reports
 - 52.222-23, Notice of Requirement for Affirmative Action To Ensure Equal Employment Opportunity for Construction
 - 52.222-24, Preaward On-Site Equal Opportunity Compliance Evaluation
 - 52.222-25, Affirmative Action Compliance
 - 52.222-26, Equal Opportunity
 - 52.222-27, Affirmative Action Compliance Requirements for Construction
 - 52.222-29, Notification of visa denial
2. Any open solicitations that contain any of the provisions or clauses listed above should be amended to remove the provisions and clauses.
3. When issuing new solicitations or contracts **include** the following provisions and clauses, if applicable:
 - 52.204-8, Annual Representations and Certifications (JAN 2025) (DEVIATION FEB 2025)
 - 52.212-3, Offeror Representations and Certifications—Commercial Products and Commercial Services (MAY 2024) (DEVIATION FEB 2025)
 - 52.212-5, Contract Terms and Conditions Required To Implement Statutes or

Executive Orders—Commercial Products and Commercial Services (JAN 2025)
(DEVIATION FEB 2025)

- 52.213-4, Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services) (JAN 2025) (DEVIATION FEB 2025)
 - 52.222-6 Construction Wage Rate Requirements (AUG 2018) (DEVIATION FEB 2025)
 - 52.222-11 Subcontracts (Labor Standards) (MAY 2014) (DEVIATION FEB 2025)
 - 52.222-12 Contract Termination—Debarment (MAY 2014) (DEVIATION FEB 2025)
 - 52.244-6, Subcontracts for Commercial Products and Commercial Services (JAN 2025) (DEVIATION FEB 2025)
4. Any open solicitations should be amended to include these required provisions and clauses.
 5. For existing contracts, all active contracts shall be modified via a unilateral modification, to include compliant deviated clauses as specified above. This action will bring all existing EPA contracts in compliance with E.O. 14173 and E.O. 14168.
 6. When issuing new solicitations, **include** the following notice:

“System updates may lag policy updates. The System for Award Management (SAM) may continue to require entities to complete representations based on provisions that are not included in agency solicitations. Examples include 52.222-25, Affirmative Action Compliance, and paragraph (d) of 52.212-3, Offeror Representations and Certifications—Commercial Products and Commercial Services. Contracting officers will not consider these representations when making award decisions or enforce requirements. Entities are not required to, nor are they able to, update their entity registration to remove these representations in SAM.”
 7. EPA OAS has developed this FAR deviation in consultation with legal counsel and will continue to consult with legal counsel to take additional steps to develop the acquisition workforce guidance and to comply with both E.O. 14173 and E.O. 14168.”
 8. EPA is authorized to issue a class deviation, in accordance with FAR 1.404, under CAAC Letter 2025-01, Supplement 1.
 9. Per FAR 1.404, EPA will furnish a copy of this approved class deviation to the FAR Secretariat, General Services Administration, by emailing the deviation to GSARegSec@gsa.gov, and noting whether or not the document can be posted on Acquisition.gov

This notice can be found at: [IPN](#).

Questions or Comments regarding this IPN should be directed to OMS-ARM-OAS-AcquisitionPolicy@epa.gov.