



ACQUISITION
AND SUSTAINMENT

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

In reply refer to
DARS Tracking Number: 2021-O0009, Revision 2

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Class Deviation-Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors

Effective immediately, this class deviation revises and supersedes Class Deviation 2021-O0009, Revision 1, issued on December 2, 2021. This revision to the class deviation implements the requirements of a preliminary injunction issued by the United States District Court for the Southern District of Georgia on December 7, 2021, enjoining implementation of the provisions of Executive Order (E.O.) 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors, in the United States and its territories. This revision also implements the requirements of the preliminary injunction issued by the United States Federal Court of the Eastern District of Kentucky on November 30, 2021, enjoining the implementation of E.O. 14042's provisions in Kentucky, Ohio, and Tennessee.

Therefore, effective immediately, to ensure compliance with the preliminary injunctions, contracting officers shall not enforce the attached class deviation clause 252.223-7999, Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors. Contracting officers shall not include the class deviation clause in new solicitations and shall not enforce the requirements of the clause in existing contracts, task orders, and delivery orders. In addition, contracting officers shall not include this class deviation clause in new contracts or orders and shall not amend existing contracts or orders to incorporate the class deviation clause.

Additional information is available at Safer Federal Workforce at <https://www.saferfederalworkforce.gov/contractors/> and at SAM.gov at <https://sam.gov/opp/d367ff4293a5491ca9b22db470b56024/view>.

Class Deviation 2021-O0009, Revision 2
Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors

This class deviation remains in effect until further notice. Please direct any comments or questions to Defense Pricing and Contracting, Contract Policy, at osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil.

TENAGLIA.JOHN
.M.1154945926

Digitally signed by
TENAGLIA.JOHN.M.1154945926
Date: 2021.12.09 17:51:46
-05'00'

John M. Tenaglia
Principal Director,
Defense Pricing and Contracting

Attachment:
As stated