



GSA Office of Governmentwide Policy

4/27/2023

SPE Memo SPE-2023-05

MEMORANDUM FOR ALL GSA CONTRACTING ACTIVITIES

FROM:

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SUBJECT:

Notification of Policy Updates Related to the End of the COVID National Emergency Declaration and Public Health Emergency Declaration

The Administration has announced that the COVID National Emergency declaration and Public Health Emergency declaration will end on May 11, 2023. In support of these emergency declarations, a wide range of acquisition policies were issued. The end of these emergency declarations makes it necessary for GSA to review each of these policies. The below summarizes which policies are being canceled; which are being supplemented to support continuance; and which policies continue without the need for any type of change.

1. Policies that are being canceled. GSA issued the following policies to make it faster/easier to support COVID response efforts as well as to implement various COVID requirements. The end of the COVID emergency declarations removes the legal basis for these policies. Therefore, each of the following policies are canceled effectively May 11, 2023:

- a. SPE-2020-06 Preparing for Potential Acquisition Performance Impacts Due to Novel Coronavirus (COVID-19);
- b. SPE-2020-07 Emergency Acquisition Flexibilities for Novel Coronavirus Disease (COVID-19);
- c. SPE-2020-08 Guidance Regarding Acquisitions and Contracts for GSA Essential Critical Infrastructure Activities and Novel Coronavirus Disease 2019 (COVID-19);
- d. SPE-2021-12 Guidance Regarding Vaccine Support for GSA Contracted Essential Critical Infrastructure Workers for COVID-19; and
- e. CD-2021-13 FAR Class Deviation - Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors.

2. Policies that are being clarified. GSA issued the following policies to support the acquisition workforce and our industry partners. While these policies are heavily

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focused on COVID, they have continued value, such as encouraging small business concerns, including new and recent entrants, in federal acquisition. As a result, a supplement will be issued to clarify their continuance after the end of the aforementioned COVID declarations.

- a. CD-2020-09 FAR Class Deviation - Progress Payment Rates Based on Costs; and
- b. CD-2020-10 FAR and GSAR Class Deviation - Eliminating Hard Copy Original Documents, Notarization and Seals for Certain Contract Requirements.

3. Ongoing policies. GSA issued the below policies to provide various acquisition flexibilities as well as support our industry partners. While some of these policies mention COVID as an example, the rationale for their issuance was not exclusive to supporting COVID response efforts. Altogether, these policies support important business needs for the GSA Acquisition workforce and for its industry partners. As a result, these policies remain in full effect.

- a. CD-2020-04 FAR and GSAR Class Deviation - Flexibilities for Debarring Official Notification to Contractors¹;
- b. CD-2020-05 FAR and GSAR Class Deviation - Flexibilities for Signatures and Seals on Bonds¹;
- c. CD-2020-07 FAR and GSAR Class Deviation - Suspension and Debarment Action Meetings¹;
- d. CD-2020-06 FAR and GSAR Class Deviation - Congressional Notification of Noncompetitive Procurement Determination in Response to a Public Health Emergency²;
- e. Acquisition Letter MV-22-02 Temporary Moratorium on Enforcement of Certain Limitations Contained in Certain GSA Economic Price Adjustment (EPA) Contract Clauses³; and
- f. Acquisition Letter MV-20-09 Moratorium on Enforcement of FAS Clause I-FSS-639, Contract Sales Criteria³.

4. Point of contact. Any questions regarding this notification may be directed to GSARPolicy@gsa.gov.

¹CD-2020-04, CD-2020-05, and CD-2020-07 support the implementation of proposed amendments to the Federal Acquisition Regulation (FAR) as covered under FAR Case 2019-015 and FAR Case 2021-001.

²This CD implements Section 15003 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (P.L. 116-136) changing the requirement for notification to Congress for public interest exceptions to competition in response to a public health emergency (i.e., not limited to COVID).

³MV-22-02, and MV-20-09 are currently set to expire 9/30/2023, unless otherwise extended.