



# Homeland Security

MEMORANDUM FOR: Heads of the Contracting Activities

FROM: Paul Courtney  
Chief Procurement Officer

SUBJECT: Federal Acquisition Regulation Class Deviation (Number 24-01) Part 53 - Expired Forms

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**Purpose:** This class deviation is issued to authorize Contracting Activities to continue to use previous editions of certain FAR Part 53 forms that are currently in the Department’s various contract writing systems until such time as the forms can be updated.

**Effective:** Immediately.

**Background:** Enterprise PRISM Instance (PRISM), Financial Systems Modernization Solution Contract Lifecycle Management, SAP Procurement for the Public Sector (PPS), and Contract Lifecycle Management are contract writing systems that are used by various Components across the Department. Some of these systems contain the previous, outdated edition of Standard Forms (SFs) 30, 33, 1442, 1447 and 1449. “Attachment A” details which of these systems contain the previous editions of these forms, and also specifies the differences between the outdated forms and the current forms. There are no substantive differences between the different versions of each form, except that the current version of SF1449 references “Commercial Products and Services”, while the old form references “Commercial Items”. This update conforms to FAR Parts 2 and 12, which no longer use the term “commercial items” because of the revisions made by section 836 of the Fiscal Year (FY) 2019 National Defense Authorization Act, which separated the term “commercial items” into “commercial products” and “commercial services”. In addition, in SFs 33, 1442 and 1447, the authority citation for 10 U.S.C. 2304(c) has been replaced with 10 U.S.C. 3204(a) to conform to the reorganization of the Defense Acquisition Statute.

These contract writing systems will be upgraded by the 4th quarter of FY 2024, which will include the integration of the most recent versions of all outdated forms.

**Deviation:** This class deviation authorizes Contracting Activities to continue to use the previous editions of SFs 30, 33, 1442, 1447 and 1449 that are currently in the Department’s various contract writing systems.

**Expiration:** This class deviation remains in effect until such time as the Department’s contract writing systems are upgraded to incorporate the current versions of the forms.

Questions or comments about this class deviation may be directed to Nancy Harvey at [Nancy.Harvey@hq.dhs.gov](mailto:Nancy.Harvey@hq.dhs.gov).

**Class deviation from Federal Acquisition Regulation (FAR) Part 53 to authorize the continued use of the expired forms in the Department of Homeland Security's contract writing systems until such time as the systems can be upgraded to incorporate the current forms.**

### **Findings**

Enterprise PRISM Instance (PRISM), Financial Systems Modernization Solution Contract Lifecycle Management, SAP Procurement for the Public Sector (PPS), and Contract Lifecycle Management are contract writing systems that are used by various Components across the Department of Homeland Security. These systems contain outdated versions of Standard Forms (SFs) 30, 33, 1442, 1447 and 1449. There are no substantive differences between the current and outdated versions of each form, except that the current version of SF1449 references "Commercial Products and Services", while the old form references "Commercial Items". This update conforms to FAR Parts 2 and 12, which no longer use the term "commercial items" because of the revisions made by section 836 of the Fiscal Year (FY) 2019 National Defense Authorization Act, which separated the term "commercial items" into "commercial products" and "commercial services". In addition, in SFs 33, 1442 and 1447, the authority citation for 10 U.S.C. 2304(c) has been replaced with 10 U.S.C. 3204(a) to conform to the reorganization of the Defense Acquisition Statute. The Department will upgrade its contract writing systems by the 4th quarter of FY 2024, which will include the integration of the most recent versions of SFs 30, 33, 1442, 1447 and 1449.

### **Determination**

As authorized by FAR 1.404, I hereby issue a deviation from the requirements at FAR 53 to allow the continued use of the previous editions of SFs 30, 33, 1442, 1447 and 1449 that are in the Department's various contract writing systems.

As required by FAR 1.404, OCPO has consulted with the Chair of the Civilian Agency Acquisition Council.

This class deviation remains in effect until such time as the Department's various contract writing systems are upgraded to incorporate the current versions of the forms.