

APR -6 2011



Homeland
Security

MEMORANDUM FOR: Department of Homeland Security
Heads of the Contracting Activities

FROM: *Richard K. Gunderson*
Richard K. Gunderson
Deputy Chief Procurement Officer

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation
(Number 11-02) — Approval of Stop Work Orders

Purpose: This class deviation is issued in accordance with FAR 1.404 to implement a change regarding Federal Acquisition Regulation (FAR) 42.1303(b) and (e)(2), which require that issuance of a stop-work order shall be approved at a level above the contracting officer, and that cancellation of a stop-work order is subject to the same approvals as were required for its issuance.

This class deviation, suspends the higher level approval requirement for the issuance of stop-work orders and cancellations of stop-work orders at FAR 42.1301(b) and (e)(2), and is necessary to facilitate the preparation and issuance of stop-work orders and their cancellations prior to, during, and immediately following a lapse in appropriations.

The class deviation is applicable to all negotiated fixed-price or cost-reimbursement contracts for supplies, services, or research and development issued or awarded by DHS and its Components that contain the Stop-Work clause at FAR 52.242-15, as appropriate. Its use is limited to situations where the Department and its Components are operating under a continuing resolution and the Department's Procedures Relating to a Federal Funding Hiatus have been activated in anticipation of an imminent lapse in appropriations.

Effective Date: April 6, 2011

Background: FAR 42.1303(b) and (e)(2) require that issuance of a stop-work order shall be approved at a level above the contracting officer, and that cancellation of a stop-work order is subject to the same approval level. Contracting staffing levels are limited during lapses in appropriations. Suspension of the higher level review requirements will facilitate the efficient use of resources prior to, during, and immediately following a lapse in appropriations.

Deviation: As a means of mitigating the limited staffing resources during a lapse in appropriations, the higher level review requirement at FAR 42.1301(b) and (e)(2) is suspended for the issuance of stop-work orders and their cancellation, during situations where the Department and its Components are operating under a continuing resolution and the Department's Procedures Relating to a Federal Funding Hiatus have been activated in anticipation of an imminent lapse in appropriations.

Expiration Date: This class deviation will remain in effect until implemented in the Homeland Security Acquisition Manual or otherwise rescinded.

Additional information: Questions regarding this class deviation may be directed to Patricia Corrigan at 202-447-5430, or by e-mail at patricia.corrigan@hq.dhs.gov.