

**CLASS DEVIATION
FINDINGS AND DETERMINATION
ELIMINATION OF HARD COPY ORIGINAL DOCUMENTS, ORIGINAL SIGNATURES,
NOTARIZATION, SEALS ON BONDS AND OTHER SEALS FOR CERTAIN CONTRACT
REQUIREMENTS IN RESPONSE TO THE COVID-19 NATIONAL EMERGENCY**


Findings

1. The objective of this class deviation is to eliminate requisite hard copy original documents, original signatures, notarization, seals on bonds and other seals for certain contract requirements in connection with the Coronavirus Disease 2019 (COVID-19) pandemic.
2. During this time of national emergency, and under the present conditions of shelter-in-place orders and social distancing policies, it is impossible to safely and properly obtain the services of notaries public to witness oaths, and sign and notary stamp documents. Many states do not accept remote online notarization, and those that do require prior certification of the notary, which requires additional time and money, and may be burdensome in the current environment. It is also difficult for vendors and sureties to sign and provide seals on bonds.
3. The Civilian Agency Acquisition Council (CAAC) issued CAAC Letter 2020-04 on May 1, 2020 authorizing agencies to authorize a class deviation that eliminates the requirement for hard copy original documents, original signatures, notarization, seals on bonds and other scenarios confronting the acquisition workforce in connection with COVID-19. The CAAC letter includes additions and deletions to Federal Acquisition Regulation (FAR) text in FAR Part 28 (Bonds and Insurance), Subpart 32.8 (Assignment of Claims), Part 42 (Contract Administration and Audit Services), and Part 52 (Solicitation Provisions and Contract Clauses).
4. CAAC Letter 2020-04 constitutes required consultation in accordance with FAR 1.404 with the Chair of the CAAC.

Determination

It is hereby determined that a class deviation (using the FAR Deviation Text included in CAAC Letter 2020-04, Attachment) is appropriate to allow greater flexibility to the Department of Energy acquisition workforce by eliminating the requirement for hard copy original documents, original signatures, notarization, seals on bonds and other seals for certain contract requirements in connection with the COVID-19 pandemic. Once processed, the Department will share the deviation widely among its workforce to ensure full awareness of and compliance with the revisions to affected regulations. This class deviation is effective upon the date of signature and will remain effective until cancelled. The Department will consider whether to cancel the deviation after the COVID-19 emergency passes.

John R.
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Effective Date: 07-16-2020

Attachment: CAAC Letter 2020-04 with FAR Deviation text (Attachment)