

**CLASS DEVIATION
FINDINGS AND DETERMINATION
CERTIFICATIONS REGARDING THE FEDERAL ACQUISITION
REGULATION (FAR) FOR EXECUTIVE ORDER 13950
COMBATting RACE AND SEX STEROTYPING**

Findings

1. E.O. 13950 seeks to promote economy and efficiency in Federal contracting, to promote unity in the Federal workforce, and to combat race and sex stereotyping and scapegoating. Section 4 of the E.O. requires agencies to include a clause in new solicitations and resultant contracts that prohibits contractors from using any workplace training that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating. Sections 4 and 9 specify that the clause is required in all contracts entered into beginning November 21, 2020, except those exempted in the manner provided by section 204 of E.O. 11246 of September 24, 1965 (Equal Employment Opportunity), as amended.
2. Effective immediately, except in contracts exempted in the manner provided by section 204 of Executive Order 11246 of September 24, 1965 (Equal Employment Opportunity) (see FAR 22.807), contracting officers shall—
 - Include the attached clause in all solicitations issued on or after November 21, 2020 and in any resultant contracts that will include the clause at FAR 52.222-26, Equal Opportunity, or its Alternate I. This includes solicitations below the simplified acquisition threshold and solicitations for the acquisition of commercial items under FAR part 12.
 - Amend solicitations issued prior to November 21, 2020 where the resultant contract award is expected to occur on or after November 21, 2020 to include the attached clause, if the contract is contemplated to include the clause at FAR 52.222-26, Equal Opportunity, or its Alternate I. This includes solicitations below the simplified acquisition threshold and solicitations for the acquisition of commercial items under FAR part 12.
3. Due to the urgent circumstances on implementation of the E.O., urgency precludes consultation with the Chair of the CAAC for this class deviation to the FAR in accordance with FAR 1.404.
4. This class deviation is effective as dated and shall remain in effect until it is incorporated into the FAR or until this class deviation is otherwise rescinded or extended.

Determination

It is hereby determined that a class deviation to the FAR is appropriate to implement the requirements contained in E.O. 13950 Combatting Race and Sex Stereotyping.

S. Keith
Hamilton

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Hamilton
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S. Keith Hamilton, P.E.,
Deputy Associate Administrator
Acquisition and Project Management
and Senior Procurement Executive
National Nuclear Security Administration

John R.
Bashista

Digitally signed by John R.
Bashista
Date: 2020.12.03 13:36:41
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John R. Bashista,
Director
Office of Acquisition Management
Department of Energy

12/03/2020

Effective Date

Attachment: 52.222-XX Combatting Race and Sex Stereotyping (Deviation) (NOV 2020)