

## **SUPPLEMENTAL AGENCY GUIDANCE - CAAC LETTER 2025-01, SUPPLEMENT 1**

The following agency guidance is provided in addition to the instructions in CAAC Letter 2025-01 Supplement 1:

1. **New or Open Solicitations and New Contracts.** Contracting officers shall take the following actions:
  - a. Amend solicitations (e.g., Request for Proposals (RFP), Request for Quotations (RFQ), Request for Bids (RFB) issued on or after the effective date of this class deviation to remove the clauses and provisions identified as “do not include” and incorporate, as applicable, the deviated clauses and provisions identified as “include” in the attached CAAC Letter. This may be done either prior to solicitation closing, or prior to award, whichever is more efficient.
  - b. For solicitations which have closed and have offers in house, either amend the solicitation or incorporate the noted changes prior to contract award.
2. **Existing Contracts or Orders.** Contracting officers shall take the following actions:
  - a. For existing contracts or orders with remaining periods of performance of six months or more, modify the contract or order at the next reasonable opportunity to remove the deleted clauses and incorporate, as applicable, the deviated clauses pursuant to the FAR Deviation Text document attached to the CAAC Letter.
  - b. For existing contracts or orders with a remaining period of performance less than six months, and where all options to extend have been exhausted or an option to extend is not planned, contracting officers are not required to revise or remove the FAR clauses associated with the rescinded E.O. 11246. However, contracting officers must provide the following notification to contractors:

“As of February 15, 2025, FAR clauses and provisions covered under E.O. 11246, Equal Employment Opportunity, will no longer be enforced. Therefore, contractors and their subcontractors will not be held accountable for applying the FAR clauses or provisions outlined in FAR subpart 22.8 - Equal Employment Opportunity or the associated provisions and clauses prescribed at FAR 22.810. In addition, contractors will no longer be required to comply with the System for Award Management (SAM) representation requirements based on these provisions and clauses. Examples include:

- FAR 52.222-25, Affirmative Action Compliance, and
- FAR 52.212-3(d), Offeror Representations and Certifications – Commercial Products and Commercial Services.

As of February 15, 2025, all uses of the term “gender identity” are not to be recognized or used prospectively by Federal contractors.

This notification does not affect:

- Any FAR subparts that are based on statute or are not covered by E.O. 11246 such as:
  - FAR subparts 22.13, Equal Opportunity for Veterans and its related clauses and provisions; and
  - FAR subpart 22.14, Employment of Workers with Disabilities.
- Existing U.S. laws on civil rights, nondiscrimination, or any laws that generally apply to a company regardless of whether it is a government contractor.

Contractors that receive this notification must, in-turn, provide this notification to their subcontractor(s).”