



ACQUISITION
AND SUSTAINMENT

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Guidance for Reporting the Use of Clause 252.223-7999, “Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors” (Class Deviation 2021-O0009) and Other Transactions Clause “Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors” to the Federal Procurement Data System

- References:
- (a) Office of Management and Budget Email to Chief Acquisition Officers Council “Tracking Implementation of Executive Order 14042,” dated October 19, 2021
 - (b) Defense Pricing and Contracting (DPC) memorandum “Updated Guidance for Reporting COVID-19 Related Actions to the Federal Procurement Data System,” dated April 30, 2020
 - (c) DPC memorandum “Implementation of Executive Order 14042, Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors, in Other Transaction Agreements,” dated October 8, 2021

In order to ensure the transparency and tracking of the Department’s implementation of Federal Acquisition Regulation (FAR) Class Deviation 2021-O0009, “Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors,” and in accordance the Office of Management and Budget memorandum at reference (a), Department of Defense contracting officers are instructed to enter **EO14042**, exactly as shown, in the Description of Requirements field when submitting a contract action report (CAR) to the Federal Procurement Data System (FPDS) for a contract action when that action is (1) a new award (contract or order) that includes clause 252.223-7999; (2) a modification to an existing award (contract or order) that specifically incorporates clause 252.223-7999 into the award; or (3) an Other Transaction Agreement action as outlined at reference (c) when clause “Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors” is included or added. Inclusion of “EO14042” in the data field is in addition to an actual brief description of what the award is procuring.

“EO14042” is a reference to Executive Order 14042, “Ensuring Adequate COVID Safety Protocols for Federal Contractors,” dated September 9, 2021 – the second character of the entered text is an “O” (as in Oscar) and the fifth character is a zero (0). Do not mark the National Interest Action (NIA) data field on the CAR for COVID-19 solely to implement this direction; only do so if the action meets the requirements identified in reference (b).

Thank you for your attention to these matters. My point of contact for FPDS reporting is Ms. Jessica Williams at 703-693-4845 or jessica.m.williams126.civ@mail.mil.

John M. Tenaglia
Principal Director,
Defense Pricing and Contracting