



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE CHIEF FINANCIAL OFFICER

September 11, 2017

ACQUISITION ALERT 2017-04

TO: Heads of Contracting Activities
Office of Chief Financial Officer/Contracts and Acquisitions Management
Federal Student Aid/Federal Student Aid Acquisition

FROM: Angela Billups, Ph.D.
Deputy Chief Acquisition Officer and Senior Procurement Executive

SUBJECT: Civilian Agency Acquisition Council Letter 2017-02

1. **Purpose:** This alert is to authorize adherence to the attached Civilian Agency Acquisition Council (CAAC) Letter 2017-02 - Class Deviation implementing 41 U.S.C. 4712 (as amended by Public Law 114-261) and makes permanent the 4-year pilot program for enhancement of contractor employee whistleblower protections. Use of the pilot program is authorized until FAR Case 2017-005 is final.
2. **Deviated language:** FAR Part 3 – Improper Business Practices and Personal Conflicts of Interest
3. **Applicability:** This Class Deviation applies to all solicitations and resulting contract awards
4. **Effective Date:** Immediately
5. **Expiration Date:** When the FAR has been updated or the CAAC Letter (Class Deviation) is otherwise rescinded
6. **Background and Other Details:** See attached CAAC Letter.
7. **Required Actions and Guidance:**
 - a. **Updated Clause Language:** Please note the specifics of this Class Deviation required by Public Law 114-261 can be found on pages 4 thru 6 of the attached. Also note the provisions at FAR 52.212-4 and 52.212-5 have been revised, the revisions can be found in the attached on pages 5 and 6. Clause 52.212-4 has been changed to remove the whistleblower protections of the pilot program from the clause found at 52.212-4(r). Clause 52.215-5 has been changed to incorporate 52.203-17 for commercial items. The inclusion of FAR clause 52.203-17 in acquisitions for noncommercial items will remain the same.
 - b. **Modification of existing contracts:** Other updates, please note (a) any major modification to contracts awarded before Dec 14, 2016 shall include revised clauses in the attached on pages 5 & 6 and (b) revise existing solicitations and contracts for non-commercial items that have a performance period of one year or more and awarded on or after Jan 2, 2017 to follow guidance in the attached on page 4, FAR 3.908-9.

8. **Attachment:** CAAC Letter 2017-02, dated July 5, 2017
9. **Additional Information:** Contact Gregory Fields, gregory.fields@ed.gov