

**CLASS DEVIATION FINDINGS AND DETERMINATION
ELIMINATION OF HARD COPY ORIGINAL DOCUMENTS, ORIGINAL
SIGNATURES, NOTARIZATION, SEALS ON BONDS AND OTHER SEALS FOR
CERTAIN CONTRACT REQUIREMENTS**

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.
2. Although the Coronavirus Disease 2019 (COVID-19) national emergency was terminated on April 10, 2023, when President Biden signed into law Public Law 118-3, the importance of original and notarized documents has continued to dwindle in this electronic age, and the need to eliminate hard copy original documents, signatures, notarization, seals on bonds, and other seals for certain contract requirements continues to exist. Remote online notarization is not approved in many states. Where approved, it requires prior certification of the notary, which requires additional time and money and may be difficult to obtain. Equally difficult is for vendors and sureties to produce manual signatures and provide their seals on bonds. Currently, FAR 2.101 defines “signature” or “signed” to include electronic signatures, and FAR 4.502(d) expressly authorizes agencies to “accept electronic signatures and records in connection with government contracts.”
3. The Civilian Agency Acquisition Council (CAAC) issued CAAC Letter 2020-04 Supplement 1 on May 12, 2023, in order to allow agencies to continue using the flexibilities provided for in the original CAAC letter, which was issued on May 1, 2020, in response to the COVID-19 pandemic. Supplement 1 to the CAAC letter includes updated FAR text identifying additions and deletions that contracting officers are to use. Revisions to FAR part 28 (Bonds and Insurance), and associated clauses; subpart 32.8 (Assignment of Claims); and subpart 42.12 (Novation and Change-of-Name Agreements) are among the changes included.

Determination

It is hereby determined that a class deviation (using the FAR Deviation Text included in CAAC Letter 2020-04 Supplement 1, 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. 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.

Berta Schreiber,
Acting Director, Office of Acquisition Management,
Department of Energy

William J. Quigley,
Senior Procurement Executive
National Nuclear Security Administration

Effective Date:

Attachment: CAAC Letter 2020-04 Supplement 1 with FAR Deviation text (Attachment)