

4.2305 Waivers.

(a) An *executive agency* required to comply with a *FASCSA order* may submit a request that the order or some of its provisions not apply to—

- (1) The agency;
- (2) Specific actions of the agency or a specific class of *acquisitions*;
- (3) Actions of the agency for a period of time before compliance with the order is practicable; or
- (4) Other activities, as appropriate, that the *requesting agency* identifies.

(b) A request for waiver *shall* be submitted by the *executive agency in writing* to the official that issued the order, unless other instructions for submission are provided by the applicable *FASCSA order*.

(c) The request for waiver *shall* provide the following information for the issuing official to review and evaluate the request, including—

- (1) Identification of the applicable *FASCSA order*;
- (2) A description of the exception sought, including, if limited to only a portion of the order, a description of the order provisions from which an exception is sought;
- (3) The name or a description sufficient to identify the *covered article* or the product or service provided by a *source* that is subject to the order from which an exception is sought;
- (4) Compelling justification for why an exception *should* be granted, such as the impact of the order on the agency's ability to fulfill its mission-critical functions, or considerations related to the national interest, including national security reviews, national security investigations, or national security agreements;
- (5) Any alternative mitigations to be undertaken to reduce the risks addressed by the *FASCSA order*; and
- (6) Any other information requested by the issuing official.

(d) The *contracting officer*, in accordance with agency procedures and working with the program office or requiring activity, *shall* decide whether to pursue a waiver or to make award to an *offeror* that does not require a waiver in accordance with the procedures at [4.2304\(f\)](#). If a waiver is being pursued, then the *contracting officer* may not make an award until written approval is obtained that the waiver has been granted.

Parent topic: [Subpart 4.23 Federal Acquisition Security Council.](#)