



OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

ACQUISITION
AND SUSTAINMENT

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: Reporting Requirements for DFARS Clause 252.223-7999, Ensuring Adequate
COVID-19 Safety Protocols for Federal Contractors (Deviation 2021-00009)

To inform senior DoD leaders about challenges that may arise with implementation of the subject clause, DoD Components shall report, via a DFARS 252.223-7999 refusal report, when contractors refuse to accept DFARS Clause 252.223-7999 or, for Other Transaction Agreements, the clause entitled, "Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors," as follows:

- 1) Instances in which a contractor either refuses to accept a new contract award, order, or Other Transaction Agreement, or refuses to sign a bilateral modification of an existing contract, order, or Other Transaction Agreement, due to DFARS Clause 252.223-7999 or, for Other Transaction Agreements, the clause entitled, "Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors," when the associated contract, order, or Other Transaction Agreement being awarded or modified **is valued at \$10 million or more**; or
- 2) Instances in which a contractor refuses to accept DFARS Clause 252.223-7999 in a new contract, order, or Other Transaction Agreement, or refuses to sign a bilateral modification of an existing contract, order, or Other Transaction Agreement, when the associated contract, order, or Other Transaction Agreement being awarded or modified **exceeds the simplified acquisition threshold and the contractor's refusal has a significant mission impact**.

Beginning December 9, 2021, DoD Components shall submit a DFARS 252.223-7999 refusal report to Defense Pricing and Contracting (DPC) once a week, using the attached format and instructions. The DFARS 252.223-7999 refusal report shall be submitted by close of business each Thursday until further notice; negative responses are required.

Additionally, each DoD Component shall identify a primary and alternate DFARS 252.223-7999 refusal reporting point-of-contact (POC) to DPC by Monday, December 6, 2021. DPC will provide DoD Component POCs with additional details about how to submit the report.

Please direct any comments or questions, and submit the name of your Component's DFARS 252.223-7999 refusal reporting POCs, to DPC, Contract Policy, at osd.pentagon.ousd-as.mbx.asda-dp-c-contractpolicy@mail.mil.

John M. Tenaglia
Principal Director,
Defense Pricing and Contracting

Attachments:
As stated