

## 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.](#)