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Homeland
Security

MEMORANDUM FOR DHS HEADS OF THE CONTRACTING ACTIVITIES USCG, USSS, FLETC, ICE, CBP, TSA, OPO, FEMA, SBI, and OSA

FROM: Thomas W. Essig
Chief Procurement Officer

Thomas W. Essig
10/7/08

SUBJECT: GOVERNMENT PROPERTY – HOMELAND SECURITY ACQUISITION
REGULATION CLASS DEVIATION (NUMBER 08-03)

The Federal Acquisition Regulation (FAR) published a final rule (72 FR 27364) consisting of a rewrite of most of the sections of Part 45, Government Property. The HSAR Part 3045 content published in December 2003 implemented the FAR Part 45 content in effect at that time. The issuance of the FAR Part 45 revisions rendered the entire content of HSAR Part 3045 obsolete; therefore, HSAR Part 3045 is “removed and reserved” by this class deviation.

HSAR revisions are under development for Part 3045 to include a determination whether any companion DHS-unique clause and/or form are required. A class deviation to HSAR Parts 3045, 3052, (including the present HSAR clause 3052.245-70, Government Property Reports) and 3053 is hereby approved. The deviation clause should be used as prescribed in HSAR 3045.107-70. The class deviation is attached to this memorandum. Department of Homeland Security (DHS) Form 0700-05, Contractors Report of Government Property as prescribed by HSAR 3053.245-70 is obsolete and removed from the HSAR by this class deviation.

This class deviation for HSAR Parts 3045, 3052, and 3053 is effective immediately and remains in effect until cancelled or superseded by an amendment to the HSAR. Contract writing systems should be adjusted accordingly by this class deviation.

Questions regarding this class deviation should be directed to Timothy J. Frank,
Tim.Frank@dhs.gov or 202-447-5252.

Attachment

PART 3045 GOVERNMENT PROPERTY

Subpart 3045.1 General
 3045.107 Contract Clauses.
 3045.107-70 Contract Clauses.

Subpart 3045.5 Removed and Reserved.
 3045.505 Removed and Reserved.
 3045.505-14 Removed and Reserved.
 3045.505-70 Removed and Reserved.
 3045.508 Removed and Reserved.
 3045.508-2 Removed and Reserved.
 3045.508-3 Removed and Reserved.
 3045.511 Removed and Reserved.

3045.107-70 Contract clauses.

Contracting officers shall insert the clause at (HSAR) 48 CFR 3052.245-70 (Deviation) in solicitations and contracts when the contract will require Government provided or contractor acquired property and the contracting officer has determined that a government property report is required.

PART 3052 Solicitations Provisions and Contract Clauses**Subpart 3052.245-70 Government Property Reports (Deviation)**

As prescribed in (HSAR) 48 CFR 3045.107-70, insert the following clause:

**GOVERNMENT PROPERTY REPORTS
 August 2008 (Deviation)**

The Contractor shall prepare a report of Government property in its possession and the possession of its subcontractors, when and in a format prescribed by the Contracting Officer.
 (End of clause)

PART 3053 FORMS

Subpart 3052.2 Prescriptions of Forms
 3053.204-70 Administrative matters.
 3053.222-70 Application of labor laws to Government acquisitions.
 3053.227-70 Conveyance of invention rights acquired by the Government.
 3053.245-70 Removed and Reserved.