DETERMINATION AND FINDINGS:
Class EDAR Deviation to Implement Updated Department of Education Contractor Personnel Security Requirements

Findings

In December 2019, the Department of Education (ED) issued a class deviation from the Education Department Acquisition Regulation (EDAR). This deviation was necessary because EDAR clause 3452.239-72 (dated 2011) contained significantly outdated cybersecurity and personnel security requirements. In addition, the prescription at 3439.702 was also out of date. The December 2019 deviation, implemented through the issuance of Acquisition Alert (AA) 2020-01, dated December 10, 2019, detailed ED's updated (current at that time) personnel and cybersecurity requirements for contractors.

Since December 2019, ED's cybersecurity requirements have continued to increase and are expected to continue to evolve in the future. During this same time frame, ED's personnel security requirements have remained unchanged.

Because ED's cybersecurity requirements are expected to continually evolve, the current deviation language is insufficient to ensure that contractors are in compliance with ED's current cybersecurity standards.

The original EDAR language, as well as the December 2019 EDAR deviation, convey the Department's personnel and cybersecurity requirements via a *single clause* entitled, "Department Security Requirements". However, given the differences in the security requirements, and the fact that not all contracts involve both personnel and cybersecurity, it is more appropriate to convey the requirements in separate clauses, i.e., one clause to address cybersecurity requirements and a separate, independent clause to address personnel security requirements.

Determination

EDAR class deviation "Cyber and Personnel Security Requirements for Contractors" dated December 6, 2019 is hereby superseded.

In accordance with FAR 1.404 and EDAR 3401.404, I hereby issue a class deviation to enact a separate clause, provision, and associated prescription for use in addressing Department of Education personnel security requirements. This deviation will apply to future solicitations and contracts, as well as active contracts. The deviated EDAR text is provided in Attachment A.

This class deviation will remain in effect until incorporated into the EDAR or rescinded.

Denise Carter Digitally signed by Denise Carter Date: 2021.06.15 09:28:00 -04'00'

Denise Carter
Acting Chief Acquisition Officer

Date

Attachment 2