



AUG 23 2005

GSA Office of the Chief Acquisition Officer

CIVILIAN AGENCY ACQUISITION COUNCIL LETTER 2005-03

MEMORANDUM FOR CIVILIAN AGENCIES OTHER THAN NASA

FROM:

A handwritten signature in blue ink that reads "Julia Wise".

JULIA WISE

CHAIR

CIVILIAN AGENCY ACQUISITION COUNCIL (CAAC)

SUBJECT:

SAFETY Act Considerations for Pub. L 85-804 Approvals

The purpose of the CAAC letter is to inform you of added responsibilities that must be satisfied before a Civilian agency may make a contractual commitment to indemnify a contractor per Executive Order 10789, under the authorities granted by Pub. L. 85-804.

Civilian agencies that possess authority to make contractual commitments to indemnify contractors under paragraph 1A of Executive Order 10789, as amended, as implemented in FAR Part 50, must first: (1) obtain the advice of the Secretary of the Department of Homeland Security (DHS) as to whether use of the SAFETY Act authority, 6 U.S.C. 441-444, would be appropriate for any matter to be covered by the indemnity that has been or that could be designated a Qualified Anti-terrorism Technology (QATT), and (2) obtain the approval of the Director of OMB to exercise the authority of paragraph 1A. This requirement reflects the new roles of DHS and the Office of Management and Budget (OMB), and the new responsibilities of involved agencies to assure that the availability of liability protection under the SAFETY Act for QATTs is considered before undertaking a commitment to indemnify contractors under Public Law 85-804 per Executive Order 13286.

This CAAC letter is rescinded upon amendment of FAR Part 50 implementing this requirement.