

SEP 28 2018



UNITED STATES DEPARTMENT OF COMMERCE
Chief Financial Officer and
Assistant Secretary for Administration
Washington, D.C. 20230

PROCUREMENT MEMORANDUM 2018-02

ACTION

MEMORANDUM FOR: BUREAU PROCUREMENT OFFICIALS

FROM: Barry E. Berkowitz *Signed* 
Senior Procurement Executive
and Director for Acquisition Management

SUBJECT: DOL/OFCCP Temporary Waiver for Certain FAR Clauses (Hurricane Florence)

Background

In light of the devastation created by Hurricane Florence, the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) has issued a temporary exemption from certain federal contracting Federal Acquisition Regulation (FAR) requirements.

Policy

The Hurricane Florence exemption period runs from September 17, 2018 to December 14, 2018. This exemption might be extended by OFCCP. For the period of the exemption, new Federal contracts to provide Hurricane Florence relief efforts should contain a provision exempting the contractor from having to develop written affirmative action programs as required by Executive Order 11246; The Vietnam Era Veterans Readjustment Assistance Act; and Section 503 of the Rehabilitation Act of 1973, as amended.

Required Action

Pursuant to the OFCCP September 17, 2018 memorandum, available at <https://www.dol.gov/ofccp/Hurricane/HurricaneFlorenceExemptionMemoESQA508c.pdf>, when agencies enter into contracts which specifically provide relief for Hurricane Florence, the contracts are required to contain FAR clause 52.222-26, 52.222-35 and/or 52.222-36. The agencies should use the following clauses:

- Alternate I of 52.222-26 with the following fill in: "The contractor will not be obligated to develop the written affirmative action program required under the regulations implementing Executive Order 11246."
- Alternate I of 52.222-35 with the following fill in: "The contractor will not be obligated to develop the written affirmative action program required under the regulations implementing VEVRAA."
- Alternate I of 52.222-36 with the following fill in: "The contractor will not be obligated to develop the written affirmative action program required under the regulations implementing Section 503 of the Rehabilitation Act of 1973, as amended."

Visit OFCCP's website for additional information regarding National Interest Exemptions at <https://www.dol.gov/ofccp/>.

Effective Date

This Procurement Memorandum is effective immediately and remains in effect until December 14, 2018 unless extended by OFCCP. Please direct any questions regarding this Procurement Memorandum to Nancy Barrere at nbarrere@doc.gov or 202-482-5519.

Cc: DOC Acquisition Community
T. Cochran, OAM ISD