PROCUREMENT MEMORANDUM 2019-01

ACTION

MEMORANDUM FOR: BUREAU PROCUREMENT OFFICIALS

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

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

Background
In light of the devastation created by Hurricane Michael, 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 Michael exemption period runs from October 11, 2018 to January 11, 2019. This  
exemption might be extended by OFCCP. For the period of the exemption, new Federal  
contracts to provide Hurricane Michael 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 October 11, 2018 memorandum, available at  
https://www.dol.gov/ofccp/Hurricane/HurricaneMichaelExemptionMemoFEDQA508.pdf, when agencies enter  
into contracts which specifically provide relief for Hurricane Michael, 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."
OFCCP’s website for additional information regarding National Interest Exemptions is available at https://www.dol.gov/ofccp/.

Effective Date
This Procurement Memorandum is effective immediately and remains in effect until January, 11, 2019, 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