

**ANNOUNCEMENT FROM
DEFENSE PRICING AND CONTRACTING,
OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION & SUSTAINMENT)**

Limited Exemption and Waiver from Certain Federal Contracting Federal Acquisition Regulation (FAR) Requirements

In view of the special circumstances in the national interest presented by the novel coronavirus outbreak, the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) has granted a limited exemption and waiver from certain federal contracting Federal Acquisition Regulation (FAR) requirements. The Coronavirus exemption and waiver period is granted from March 17, 2020 to June 17, 2020, subject to extension by OFCCP.

Pursuant to the OFCCP March 17, 2020, memorandum, for the period of the exemption, new Federal contracts providing relief efforts for the Coronavirus should contain a provision exempting the contractor from all affirmative action obligations and other obligations, as outlined below, as required by Executive Order 11246 (EO 11246); Section 4212 of the Vietnam Era Veterans Readjustment Assistance Act (VEVRAA); and Section 503 of the Rehabilitation Act of 1973 (Section 503). <https://www.dol.gov/sites/dolgov/files/OFCCP/National-Interest-Exemption-Memo-Coronavirus-Relief-Efforts.pdf>

When agencies enter into contracts which specifically provide relief efforts for the Coronavirus, 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:

Notice: The following terms of this clause are waived for this contract: subparagraph (c)(2), (c)(3), (c)(4), (c)(5)(ii), (c)(6), (c)(8), and the phrase "on-site compliance evaluations and" in (c)(9).

Alternate I of 52.222-35 with the following fill in:

Notice: The following terms of this clause are waived for this contract: in subparagraph (b), the phrase "and requires affirmative action by the Contractor to employ and advance in employment qualified protected veterans"; additionally, in subparagraph (b), the phrase "requirements of the equal opportunity clause at 41 CFR 60-300.5(a)" shall be interpreted to exclude in full paragraphs 2-7, 9-10, and 12 of 41 CFR 60-300.5(a), and the phrase "take affirmative action to employ, advance in employment and otherwise" from paragraph 1 of 41 CFR 60-300.5(a).

Alternate I of 52.222-36 with the following fill in:

Notice: The following terms of this clause are waived for this contract: in subparagraph (a), the phrase "and requires affirmative action by the Contractor to employ and advance in employment qualified individuals with disabilities"; additionally, in subparagraph (a), the phrase "requirements of the equal opportunity clause at 41 CFR 60-741.5(a)" shall be interpreted to exclude in full paragraphs 4-5 and 7 of 41 CFR 60-741.5(a), and the phrase "take affirmative action to employ and advance in employment individuals with

Contractors continue to be subject to the processing of complaints of discrimination requirements of under 41 CFR 60-1.21-1.24, 41 CFR 60-300.61 and 41 CFR 60-741.61. The exemptions and waivers also do not exempt a covered contractor from their obligation to comply with other federal, state and local civil rights laws.

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

OUSD(A&S) DPC Contact Information:
DPC Contract Policy (703) 693-0497 (DSN 223)