United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

April 1, 1997

Department of the Interior Acquisition Policy Release (DIAPR) 1997 - 6

Subject: **Year 2000 Contract Specification**

1. **Purpose:** To Implement Interim Federal Acquisition Regulation (FAR) 39.106 Year 2000 Compliance.

2. **Effective Date:** This policy is effective on the date of this release.

3. **Expiration Date:** This policy remains effective until canceled or superseded.

4. **Background:** Interim FAR 39.002 (FAC 90-45) defines the term "Year 2000 compliant." When acquiring information technology which will be required to perform date/time processing involving dates subsequent to December 31, 1999, FAR 39.106 requires that agencies assure that solicitations and contracts either require Year 2000 compliant technology, or require the timely upgrade of non-compliant information technology. The rule also requires that solicitations describe existing, government owned or furnished, information technology that will be used with what is being acquired and state whether or not it is Year 2000 compliant.

While the FAR rule applies to acquisition of information technology, the range of other items and services we use which rely on imbedded date/time processors exceeds what is defined as information technology. Examples of these other items include: telecommunication network devices (i.e., routers, bridges, repeaters, servers, concentrators, etc.), PBX equipment, security systems, scientific recording equipment, elevator controllers, and environmental control systems.

Additional guidance for Year 2000 coverage on micropurchases will be prepared separately. Mary McGarvey on (202) 208-3158 is the point of contact on that project.

5. **Action Required**:

a. Therefore, to assure the most effective Year 2000 compliance for Interior, contracting officers are to use the appropriate attached contract specification in all acquisitions above the micro-purchase threshold unless she or he obtains a program office determination that there are no applicable Year 2000 compliance requirements associated with a new acquisition or an existing contract. Contract specifications are being used rather than warranties because they remain effective for the term of a contract where warranties may have a much shorter term.

(1) The specification provided in Attachment 1 must be incorporated in all appropriate future purchase orders, delivery orders (including FSS delivery orders), solicitations, and contracts (Section C of supply, service, or construction contracts).

(2) The specification provided in Attachment 2 must be added to existing information technology contracts above the micro-purchase threshold, through bilateral negotiation of a contract modification. The clause suggests upgrading a noncompliant product at no cost to the government. Contracting officers should note that the cost, if any, may be negotiable. The clause is meant to be used for contract discussions and to assure compliance not to direct unilateral changes. If the contracting officer concludes that there is no possibility for upgrading a noncompliant product at no cost, the phrase " at no additional cost to the government" may be deleted from the specification.

b. The determination that there are no Year 2000 compliance issues associated with a procurement action is a program office responsibility. Contracting officers must document this determination by obtaining a statement to that effect from the program office and putting it in the contract file.

c. Note the FAR rule refers to "agency" responsibilities, not just contracting officer responsibilities. This means the implementation is to be accomplished jointly by agency program and procurement officials. Contracting officers will need to work closely with their program representatives on each action :

(1) to determine the date Year 2000 compliance is required,
(2) to list the existing technology in the attached contract specification,
(3) to assure that appropriate acceptance testing is used to confirm Year 2000 compliance, and
(4) to obtain, when appropriate, a written statement from the program office which documents the determination that no Year 2000 compliance requirements apply to a particular procurement action.

6. **Additional Year 2000 Information**: Additional information about the Year 2000 problem and the activities of the Department and other agencies is available from the Office of Information Resources Management home page at http://www.doi.gov/oirm/oirm/y2mgt.html. Questions may be directed to the Department's program coordinator, David Brandt on (202)208-5433.

7. Comments on this interim policy are due 30 days from the date of this release. Questions on this policy release may be directed to Dean Titcomb on (202) 208-3433.

Paul A. Denett, Director
Office of Acquisition and Property Management

Attachments

cc: Deputy Assistant Secretary for Budget and Finance
Director, Office of Information Resources Management
Director, Office of Budget

Attachment 1

Year 2000 Compliant
(New Procurement)

Year 2000 compliant means information technology that accurately processes date/time data (including, but not limited to, calculating, comparing, and sequencing) from, into, and between the twentieth and twenty-first centuries, and the years 1999 and 2000 and leap year calculations. Furthermore, Year 2000 compliant information technology, when used in combination with other information technology, shall accurately process date/time data if the other information technology properly exchanges date/time data with it.

All hardware, software, or firmware in any products furnished under this contract shall either be Year 2000 compliant as delivered or, if noncompliant at that time, be upgraded to be Year 2000 compliant, at no additional cost to the government, by [1] _____(if no other date is inserted, Year 2000 compliance is required not later than December 31, 1999.)

The existing government-owned or furnished information technology that will be used with the information technology acquired under this contract is: [2]

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This existing information technology (is/is not) Year 2000 compliant.

End of specification

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[1] The contracting officer must insert a date prior to December 31, 1999, as determined by the appropriate program office. The program office should plan for an adequate period to test and accept the products for Year 2000 compliance.

[2] As appropriate, the contracting officer must list the information technology that will be used with what is being bought and state whether or not it is year 2000 compliant as indicated by the applicable program office.

Attachment 2

Year 2000 Compliant
(Contract Modification)

Year 2000 compliant means information technology that accurately processes date/time data (including, but not limited to, calculating, comparing, and sequencing) from, into, and between the twentieth and twenty-first centuries, and the years 1999 and 2000 and leap year calculations. Furthermore, Year 2000 compliant information technology, when used in combination with other information technology, shall accurately process date/time data if the other information technology properly exchanges date/time data with it.

All hardware, software, or firmware in any products furnished under this contract is either Year 2000 compliant as delivered or, if noncompliant at that time, will be upgraded to be Year 2000 compliant, at no additional cost to the government, by [3] _____ (if no other date is inserted, Year 2000 compliance is required not later than December 31, 1999.)

The existing government-owned or furnished information technology that will be used with the information technology acquired under this contract is: [4]

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This existing information technology (is/is not) Year 2000 compliant.

End of specification

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[3] The contracting officer must insert a date prior to December 31, 1999, as determined by the appropriate program office. The contracting officer and program officials should not rely on any contractor verbal assurance of Year 2000 compliance.

[4] As appropriate, the contracting officer must list the information technology that will be used with what was bought and state whether or not it is year 2000 compliant as indicated by the applicable program office.