United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

October 23, 1997

Department of the Interior Acquisition Policy Release (DIAPR) 1998- 3

Subject: **AFFIRMATIVE ACTION REQUIREMENTS**

1. Purpose: The purpose of this DIAPR is to allow Bureaus and Office to deviate from the Federal Acquisition Regulation (FAR) in order to implement changes in the Department of Labor (DOL) regulations.

2. Effective Date: Effective upon issuance.

3. Expiration Date: This guidance will remain in effect until canceled or superseded.

4. Background and Explanation of Changes: Executive Order 11246 prohibits employment discrimination and establishes affirmative action requirements for nonexempt Federal contractors and subcontractors. It has not undergone substantive revision since the 1970s. However, DOL has recently revised its implementing regulations in order to reduce compliance burdens on covered contractors, and to improve efficiency in the Office of Federal Contract Compliance Programs, which is charged with administering and enforcing the Executive Order.

One significant change in the DOL rule became effective on September 18, and may be used even without the corresponding revisions having been made to the FAR. The threshold for preaward clearance for contracts and subcontracts (excluding construction) has been raised from $1 million to $10 million. This change affects the policy guidance at FAR 22.805, the clause prescription at 22.810(g), and the clauses at 52.222-24 and 52.222-28. In each case, wherever the figure "$1 million" appears, contracting personnel are authorized to replace it with "$10 million."

Contracting officers are reminded to also use FAR 52.252-6, Authorized Deviations in Clauses, when using an authorized deviation such as this one in solicitations and contracts.

5. Action Required: Discontinue requesting preaward clearance from the DOL for non-construction actions valued between $1 million and $10 million. Make pen and ink annotations to the FAR as indicated. Questions should be addressed to Ms. D. Emmerich on (202) 208-3348.

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