




POLICY FLASH 2013-19

DATE: December 27, 2012

TO: Procurement Directors/Contracting Officers


FROM: Director
Contract and Financial Assistance Policy Division
Office of Policy
Office of Acquisition and Project Management

SUBJECT: Federal Acquisition Circular 2005-64

SUMMARY: The Federal Acquisition Regulation (FAR) amendment, published in the December 21, 2012 *Federal Register* at 77 FR 75766, implements FAR Case 2011-028 Nondisplacement of Qualified Workers Under Service Contracts.

This final rule amends the FAR to implement an Executive order for nondisplacement of qualified workers under service contracts, as implemented in Department of Labor regulations. The effective date is January 18, 2013.

This final rule is applicable to solicitations issued on or after the effective date. Contracting officers are expected to work with their existing service contractors and bilaterally modify their contracts, to the extent feasible, to include the clause at FAR 52.222-17. As an alternative, contracting officers should consider entering into bilateral modifications with existing service contractors to agree to perform paragraph (c) of the clause at FAR 52.222-17, which: (1) Informs the existing predecessor contractor's workforce of their right of first refusal; and (2) provides the list of service employees to the contracting officer no less than 30 days before contract

completion. Contracting officers shall document the contract files of their existing service contracts to describe the steps that were taken. For exemptions, see FAR 22.1203–2 Exemptions.

This Flash will be available online at the following website:
<http://energy.gov/management/office-management/operational-management/procurement-and-acquisition/policy-flashes>.

Questions concerning this policy flash should be directed to Barbara Binney, of the Office of Acquisition and Project Management Policy at (202) 287-1340 or at Barbara.Binney@hq.doe.gov.