



**Department of Energy
Acquisition Regulation
(DEAR)**

**No. AL 2009-09
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ACQUISITION LETTER

This Acquisition Letter is issued under the authority of the DOE and NNSA Procurement Executives.

Subject: Class Deviation DEAR 970.5232-3 Accounts, Records, and Inspections

References:

Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, Pub. L. 110-417,
Section 871
American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, Section 902
FAR 52.215-2, Audit and Records – Negotiation
DEAR 970.5232-3, Accounts, Records and Inspection
DOE Acquisition Guide Chapter 1

When is this Acquisition Letter (AL) effective?

This AL is effective upon issuance.

When does this AL Expire?

This AL remains in effect until superseded or canceled.

Whom do you Contact for More Information?

Contact Richard Langston, Office of Procurement and Assistance policy, MA-61, (202) 287-1339 or Richard.Langston@hq.doe.gov or for NNSA, Stephen Law, Office of Acquisition and Supply Management Office, NA-63, (202) 586-4321 or Stephen.Law@nnsa.doe.gov for questions pertaining to Federal Acquisition Regulation (FAR) or Department of Energy Acquisition Regulation (DEAR) policy.

Visit our website at

http://www.management.energy.gov/policy_guidance/procurement_acquisition.htm
for additional information on Acquisition Letters and other policy issues.

What is the Purpose of this AL?

The purpose of this AL is to provide information regarding the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (NDAA) and the American Recovery and Reinvestment Act of 2009 (ARRA) provisions that formalize existing practices by expressly permitting GAO access to subcontractors' records and to interview current employees administering them.

These provisions necessitate revision of the clause entitled Accounts, Records, and Inspection at DEAR 970.5232-3.

What is the Background Information You Need to Know?

Section 871 of The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 and section 902 of Title IX of the Recovery Act formalize current practices permitting access for the Government Accountability Office to records and to interview current employees of contractors and subcontractors administering contracts.

DOE management and operating contracts include the requirements of the Federal Acquisition Regulation 52.215-2, Audit and Records – Negotiation clause in a more comprehensive clause entitled Accounts, Records, and Inspection at DEAR 970.5232-3. The Comptroller General access coverage is at paragraph (h).

What is the Guidance contained in this AL?

Amend DEAR 970.5232-3 at paragraph (h)(1) as follows add “or subcontractor’s” after “contractor’s” and add “and to interview any current employee regarding such transactions” after “hereunder.” “Authorized representative” under paragraph (h)(1) is considered to include the Inspector General. A class deviation is attached.

The clause will be updated in the STRIPES database and annotated to indicate the deviation. Those offices not yet using STRIPES should make the changes in their contract preparation system.