

**FAC 2005-32 / FAR Case 2008-026: GAO Access to Contractor Employees;
OCPO Regulatory Advisory 09-21**

FAC 2005-32 / FAR Case 2008-026 Issued	March 31, 2009
FAC 2005-32 / FAR Case 2008-026 Effective	March 31, 2009

FEDERAL REGISTER / Vol 74, No. 60 (Pages 14649-14651) , March 31, 2009 / Rules and Regulations
Item VI – GAO Access to Contractor Employees (Interim) (FAR Case 2008-026) - This interim rule amends the Federal Acquisition Regulation (FAR) Parts 12 and 52. Clauses 52.215-2, Audit and Records – Negotiations and 52.214-26, Audit and Records – Sealed Bidding are being modified to allow the Government Accountability Office to interview current employees when conducting audits. This rule implements Section 871 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (NDAA) (Pub. L. 110-417).

Purpose & Description: FAR Case 2008-026, Interim Rule

- Implements Section 871 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (NDAA) (Pub. L. 110-417).
- Amends FAR 52.215-2, “Audit and Records-Negotiation” and FAR 52.214026 “Audit and Records-Sealed Bidding” to allow the Government Accountability Office (GAO) to interview current contractor employees when conducting audits of contractors’ records.

FAR Parts Affected: Parts 12 and 52

Applicability

- This interim rule applies to solicitations issued and contracts awarded on or after the effective date of this rule.
- This rule does not apply to commercial items.

Contractor Requirements

Contractors must make current employees available for interviews during GAO audits of contract-related records.

Contracting Officer Responsibilities

For applicable solicitations and contract awards, Contracting Officers must include the appropriate amended clause(s) included within this rule.

Impact on DHS Acquisition Policy

No changes to the HSAR or HSAM are anticipated.

For More Information

- To access FAC 2005-32’s interim rule on GAO Access to Contractor Employees, type **FAC 2005-32** in the “Search Documents” section of Regulations.Gov at <http://www.regulations.gov/search/index.jsp>
- For questions on FAR Case 2008-0026, contact Joe Giuliani at (202) 447-5486 or joseph.giuliani@dhs.gov.