

## 26.204

(d) The agency shall transition the work to local firms using the local area set-aside identified in 26.202-1.

### **26.204 Justification for expenditures to other than local firms.**

(a) 42 U.S.C. 5150(b)(1) requires that, subsequent to any Presidential declaration of a major disaster or emergency, any expenditure of Federal funds, under an emergency response contract not awarded to a local firm, must be justified in writing in the contract file. The justification should include consideration for the scope of the major disaster or emergency and the immediate requirements or needs of supplies and services to ensure life is protected, victims are cared for, and property is protected.

(b) The justification may be made on an individual or class basis. The contracting officer approves the justification.

### **26.205 Disaster Response Registry.**

(a) Contracting officers shall consult the Disaster Response Registry via <https://www.acquisition.gov> to determine the availability of contractors for debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief activities inside the United States and outlying areas.

(b) A list of prospective vendors voluntarily participating in the Disaster Response Registry can be retrieved using the System for Award Management (SAM) search tool, which can be accessed via <https://www.acquisition.gov>. These vendors may be identified by selecting the criteria for "Disaster Response Contractors". Contractors are required to register with SAM in order to gain access to the Disaster Response Registry.

[74 FR 52849, Oct. 14, 2009, as amended at 77 FR 188, Jan. 3, 2012; 78 FR 37679, June 21, 2013]

### **26.206 Solicitation provision and contract clauses.**

(a) The contracting officer shall insert the provision at 52.226-3, Disaster or Emergency Area Representation, in solicitations involving the local area set-aside. For commercial items, see 12.301(e)(4).

(b) The contracting officer shall insert the clause at 52.226-4, Notice of

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Disaster or Emergency Area Set-aside in solicitations and contracts involving local area set-asides.

(c) The contracting officer shall insert the clause at 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area, in all solicitations and contracts that involve local area set-asides.

[72 FR 63087, Nov. 7, 2007. Redesignated at 74 FR 52849, Oct. 14, 2009]

## **Subpart 26.3—Historically Black Colleges and Universities and Minority Institutions**

SOURCE: 62 FR 12703, Mar. 17, 1997, unless otherwise noted.

### **26.300 Scope of subpart.**

(a) This subpart implements Executive Order 12928 of September 16, 1994, which promotes participation of Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs) in Federal procurement.

(b) This subpart does not pertain to contracts performed entirely outside the United States and its outlying areas.

[62 FR 12703, Mar. 17, 1997, as amended at 68 FR 28083, May 22, 2003]

### **26.301 [Reserved]**

### **26.302 General policy.**

It is the policy of the Government to promote participation of HBCUs and MIs in Federal procurement.

### **26.303 Data collection and reporting requirements.**

Executive Order 12928 requires periodic reporting to the President on the progress of departments and agencies in complying with the laws and requirements mentioned in the Executive order.

### **26.304 Solicitation provision.**

Insert the provision at 52.226-2, Historically Black College or University and Minority Institution Representation, in solicitations exceeding the micro-purchase threshold, for research, studies, supplies, or services of the type normally acquired from higher educational institutions. For DoD,