

**STATEMENT OF DETERMINATION**  
**DFARS Case 2009-D017, Continuation of Essential Contractor Services**

1. In accordance with 5 CFR 1320.13, the senior official, or designee, of the Department of Defense has determined that this collection of information is needed prior to the expiration of the time periods under 5 CFR 1320, and that it is essential to the mission of the agency. The agency cannot reasonably follow the normal clearance procedures under 5 CFR 1320, due to the immediate need to have certain essential contracted functions incorporated into the DoD organization's Continuity of Operations plans as required by the Federal Emergency Management Agency Federal Preparedness Circular #65 and DoD Instruction 3020.37, "Continuation of Essential DoD Contractor Services During Crises."
  
2. The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics/Defense Acquisition Regulations System is submitting the subject requirement for emergency review and approval. This emergency submission is necessary as the 2009 H1N1 influenza pandemic has spread internationally with unprecedented speed, thus requiring immediate action to ensure a continuation of essential contractor services. On June 11, 2009, the World Health Organization raised the worldwide pandemic alert level to Phase 6, the highest level. DoD must ensure the continuation of essential contractor services to prevent impairment to defense systems or operations during a crisis situation. The contractor's plan communicates that the contractor's will ensure they are able to continue to meet their obligations under the contract in an emergency for mission critical functions. DoD is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to provide contract language supporting the continuation of essential contractor services. If this data collection is not approved under an emergency process, it will impede the Department's ability to be prepared during crises.
  
3. The information that is requested is the minimum necessary to comply with applicable laws, Executive Orders, regulations, and prudent business practices. A notice will be published in the Federal Register prior to the submission of a subsequent information collection package to the Office of Management and Budget under regular processing timeframes.