




DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

Acquisition Procedures
Update (APU)
2010-5
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MEMORANDUM FOR BUREAU CHIEF PROCUREMENT OFFICERS

FROM: Thomas A. Sharpe, Jr. 
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SUBJECT: Deletion of DTAP 1023.70 – Prohibiting Text Messaging and
Using Electronic Equipment While Driving

Purpose: To delete section 1023.70 from the DTAP. Executive Order 13513, signed by President Barack Obama on October 1, 2009 (74 FR 51225, October 6, 2009) was the basis for the promulgation of this rule in the DTAP. Since then, the policy enunciated by the Executive Order has been implemented and codified as FAR 52.223-18 entitled "Contractor Policy to Ban Text Messaging While Driving (SEP 2010)". This interim rule was published in the FAR under FAC 2005-46, FAR Case 2009-028.

Effective Date: This DTAP change is effective December 1, 2010.

Background: Text messaging while driving causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. In order to implement the Executive order, this interim rule creates a prescription in FAR Subpart 12.3— Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items - to insert FAR 52.223.18 in all solicitations and contracts and encourage Federal contractors and subcontractors to adopt and enforce policies that ban text messaging while driving.

The clause does not flow down to subcontracts below the micro-purchase level, because the FAR applies very few clauses to acquisitions below the micro-purchase threshold.

DTAP Updates:

Accordingly, the DTAP is changed by deleting DTAP 1023.70 in its entirety.