

## 26.203 Transition of work.

(a) In anticipation of potential *emergency* response requirements, agencies involved in response planning *should* consider awarding *emergency response contracts* before a *major disaster* or *emergency* occurs to ensure immediate response and relief. These contracts *should* be structured to respond to immediate *emergency* response needs, and *should* not be structured in any way that *may* inhibit the transition of *emergency* response work to *local firms* (*e.g.*, unnecessarily broad scopes of work or long periods of performance).

(b) 42U.S.C.5 150(b)(2) requires that agencies performing response, relief, and reconstruction activities transition to *local firms* any work performed under contracts in effect on the date on which the President declares a *major disaster* or *emergency*, unless the head of such agency determines *in writing* that it is not feasible or practicable. This determination *may* be made on an individual contract or class basis. The written determination *shall* be prepared within a reasonable time given the circumstances of the *emergency*.

(c) In effecting the transition, agencies are not required to terminate or renegotiate existing contracts. Agencies *should* transition the work at the earliest practical opportunity after consideration of the following:

(1) The potential duration of the disaster or *emergency*.

(2) The severity of the disaster or *emergency*.

(3) The scope and structure of the existing contract, including its period of performance and the milestone(s) at which a transition is reasonable (*e.g.*, before exercising an *option*).

(4) The potential impact of a transition, including safety, *national defense*, and mobilization.

(5) The expected availability of qualified local *offerors* who can provide the *products* or services at a reasonable price.

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

**Parent topic:** Subpart 26.2 - Major Disaster or Emergency Assistance Activities