



Department of Transportation  
Office of the Senior Procurement Executive

No. APL-2010-03  
Date 1/28/2010

## DOT ACQUISITION POLICY LETTER

This Acquisition Policy Letter is issued under the authority of the Senior Procurement Executive of the Department of Transportation

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**Subject:** Text Messaging While Driving

### References:

Executive Order 13513 “Federal Leadership On Reducing Text Messaging While Driving,” October 1, 2009.

DOT Order 3902.10 “Text Messaging While Driving”, December 30, 2009.

### When is this Acquisition Policy Letter (APL) Effective?

This APL is effective *immediately*.

### When Does This APL Expire?

This APL remains in effect until the resulting policy is incorporated into the Transportation Acquisition Regulation (TAR), and/or superseded by Federal Acquisition Regulation (FAR) guidance or otherwise cancelled.

### Who is the Point of Contact?

Contact Cassandra G. Wells of the Office of the Senior Procurement Executive, (202) 366-4960 or by email at [Cassandra.Wells@dot.gov](mailto:Cassandra.Wells@dot.gov).

Visit our website at <http://www.dot.gov/ost/m60/> for additional information on DOT Acquisition Policy Letters and other policy issues.

### What is the Purpose of this APL?

This APL serves to implement Executive Order (E.O.) 13513, “Federal Leadership on Reducing Text Messaging While Driving,” October 1, 2009, available online at: <http://edocket.access.gpo.gov/2009/E9-24203.htm> and DOT Order 3902.10 “Text Messaging While Driving,” December 30, 2009, available online at <http://dotnet.dot.gov/>

### What is the Background?

With nearly 3 million civilian employees, the Federal Government can and should demonstrate leadership in reducing the dangers of text messaging while driving. Recent deadly crashes

involving drivers distracted by text messaging while behind the wheel highlight a growing danger on our roads. Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. Every day, Federal employees drive Government-owned, Government-leased, or Government-rented vehicles (collectively, GOV) or privately-owned vehicles (POV) on official Government business, and some Federal employees use Government-supplied electronic devices to text or e-mail while driving. In order to set a good example to the public, President Obama has ordered a Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment. On December 30, 2009, to implement the requirements of the E.O. and to establish Departmental policy on text messaging while driving, the U.S. Department of Transportation (DOT) issued DOT Order 3902.10, "Text Messaging While Driving." Consistent with the E.O., and to promote economy and efficiency in Federal procurement and grants, DOT Order 3902.10 encourages Federal contractors, subcontractors, recipients, and sub-recipients to adopt and enforce policies that ban text messaging while driving. Federal contractors, subcontractors, recipients, sub-recipients and their employees who refrain from the unsafe practice of text messaging while driving in connection with Government business are less likely to experience disruptions to their operations that would adversely impact Federal procurement and grant actions.

## **What is the Guidance?**

1. Each Operating Administration (OA), in procurement contracts, including task and delivery orders; entered into after February 1, 2010, shall encourage contractors and subcontractors to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or Government-owned, leased or rented vehicles (GOV), or while driving privately-owned vehicles (POV) when on official Government business or when performing any work for or on behalf of the Government. Each OA should also encourage Federal contractors and subcontractors as described in this section to conduct initiatives of the type described in section 3(a) of the E.O.
2. Pursuant to E.O. 13513 and DOT Order 3902.10, the contracting officer shall insert the interim clause in Attachment (1), Contractor Policy to Ban Text Messaging While Driving in all solicitations and contracts, exceeding the micro-purchase threshold.



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Acquisition Policy & Oversight (M61)  
Office of the Senior Procurement Executive

Attachment

## **CONTRACTOR POLICY TO BAN TEXT MESSAGING WHILE DRIVING**

a) *Definitions.* The following definitions are intended to be consistent with the definitions in DOT Order 3902.10 and the E.O. For clarification purposes, they may expand upon the definitions in the E.O.

“Driving”—

(1) Means operating a motor vehicle on a roadway, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise.

(2) It does not include being in your vehicle (with or without the motor running) in a location off the roadway where it is safe and legal to remain stationary.

“Text messaging” means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. (See definition in DOT Order 3902.10)

(b) In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10 , Text Messaging While Driving, December 30, 2009, contractors and subcontractors are encouraged to:

(1) Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving--

(i) Company-owned or –rented vehicles or Government-owned, leased or rented vehicles; or

(ii) Privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government.

(2) Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as—

(i) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and

(ii) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

(c) *Subcontracts.* The Contractor shall insert the substance of this clause, including this paragraph (c), in all subcontracts that exceed the micro-purchase threshold, other than subcontracts for the acquisition of commercially available off-the-shelf items.

(End of clause)