

Attachment 1:

DOE-NNSA Financial Assistance Flexibilities Guidance to Contracting Officers Regarding Hurricanes Fiona and Ian, and the Alaska Flood and Landslide

Contracting Officers (COs) should take all actions within their authority to minimize the potential negative effect of mission critical disruptions to DOE Programs due to Hurricane Fiona, Hurricane Ian and the Alaska Flood and Landslide. Working with cognizant program officials and the recipients, COs should use every authority and flexibility at their disposal to deal with the effects of Hurricanes Fiona and Ian, and the Alaska flood and landslide on the performance of grantees located in the affected areas, including applicable law, regulation, DOE guidance, and the terms and conditions of the financial assistance awards.

Forward thinking and frequent collaborative communication among all affected parties is critical; transparency regarding decisions affecting award performance and recipient's personnel is essential. What is prudent at this point must be determined on a case-by-case basis.

Contracting Officers at a minimum should consider—

- Taking into account mission critical project requirements (including Continuity of Operations and retention of critical recipient's resources), particularly for cooperative agreements, after consulting with program officials, make any appropriate revisions to existing agreements.
- Assessing how the type of financial assistance award, its term, and relevant terms and conditions apply.
- Coordinating with the program and the recipient to determine if work can be done via telework by the recipient's employees, and if the necessary resources are in place or can be implemented to accommodate telework, if appropriate.
- Discussing with the recipients their policies, collective bargaining unit agreements (if any), and other agreements with employees pertaining to paid leave, including weather and safety or equivalent leave related to hurricanes Fiona and Ian or the Alaska floods and landslides for employees that cannot telework. In such situations, communications should include, if there is a need and a legal basis, a requirement that certain employees remain in a ready state status with pay.
- Communicating with recipients on any planned revisions to their paid leave policies, including weather and safety or equivalent leave related to hurricanes Fiona and Ian or the Alaska floods and landslides for employees that cannot telework, and what the recipient's process is for accomplishing such revision.
- Any flexibilities provided are time-limited and will end on March 23, 2023. Flexibilities are applicable to actions occurring between September 13 and December 31, 2022, see Attachment 2.