

## ATTACHMENT 1: DOE/NNSA Acquisition Guidance to Contracting Officers

Regarding Government-wide acquisition guidance, the Department is coordinating with the Office of Management and Budget's Office of Federal Procurement Policy and will disseminate any guidance immediately upon its release. Regarding Department-wide guidance, a meeting of the DOE Acquisition Council is being scheduled to further discuss acquisition related issues regarding the Coronavirus outbreak. Any resulting guidance will be coordinated with appropriate offices within DOE and NNSA.

In the interim, Contracting Officers should take all actions within their authority they deem prudent to minimize the potential negative effect of disruptions due to Coronavirus Disease 2019 (COVID-19). Working with cognizant program officials and the contractor, they should use every authority and flexibility at their disposal pertaining to dealing with the risk associated with Coronavirus Disease 2019 (COVID-19)--law, regulation, the terms and conditions of the contract--to achieve the Department's mission. As the situation develops, close, frequent, and collaborative communication among all affected parties will be critical; transparency regarding decisions affecting contract performance and contractor personnel is essential. What is prudent at this point must be determined on a case-by-case basis. Each case will depend, among other things, on the contract, the Department's needs, and the uncertainties of the current situation. Nevertheless, Contracting Officers at a minimum should consider—

- Assessing how the type of contract, its term, and relevant contract clauses apply. Such clauses may include FAR 52.247-1 Government Delay of Work, FAR 52.249-14 Excusable Delays, FAR 52.242-14 Suspension of Work, FAR 52.242-15 Stop-Work Order, and the STRIPES clause “Federal Holidays and Other Closures.”
- Coordinating with the program and the contractor to determine if contract work can be done via telework by the contractor's employees, and if the necessary resources are in place or can be implemented to accommodate telework, if appropriate.
- Determining if telework is addressed adequately in the contract; if it is not, consider modifying the contract.
- Discussing with the contractor its policies, collective bargaining unit agreements, and other agreements with employees pertaining to paid leave and alternative forms of compensation for employees unable to telework.
- Taking into account mission critical contract requirements (including Continuity of Operations and retention of critical contractor resources) and, after consulting with program officials, making any appropriate contract modifications in accordance with requisite approval requirements.
- Assessing how any temporary measures contemplated can be formulated to allow efficient scaling back once the crisis passes.