

COVID-19 Attachment 1: DOE-NNSA Financial Assistance Guidance to Contracting Officers (Including for Cooperative Agreements)

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 COVID-19. Working with cognizant program officials and the recipients, COs should use every authority and flexibility at their disposal to deal with the risk associated with COVID-19, including applicable law, regulation, DOE guidance, and the terms and conditions of the financial assistance awards.

As the situation develops, forward thinking and frequent collaborative communication among all affected parties will be critical; transparency regarding decisions affecting award performance and recipient's personnel will be 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 COVID-19 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 COVID-19 for employees that cannot telework, and what the recipient's process is for accomplishing such revision.

DOE is working with the Office of Management and Budget to develop implementing guidance on H.R. 748, the Coronavirus Aid, Relief, and Economic Security Act (the CARES Act), application to cooperative agreements. This and other guidance will be appropriately updated.