

UNCLASSIFIED



DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340-



DIA Industry Bulletin
COVID-19 Update – Coronavirus Aid, Relief and Economic Security Act (CARES)

The purpose of this bulletin is to further educate industry on the Coronavirus Aid, Relief and Economic Security Act (CARES), Public Law 116-136, and the implications to DIA's contracting vehicles. The CARES Act provides assistance associated with the coronavirus pandemic. Section 3610 of the Act specifically provides relief to industry partners that collaborate with DIA on a daily basis.

Effective 27 March 2020, subject to the availability of appropriations, contractors who are working under reduced manning at an Agency site(s) may be reimbursed at the minimum applicable contract billing rates, not to exceed an average of 40 hours per week of any paid leave, including sick leave, that a contractor provides to keep its employees or subcontractors in a ready state, including to protect the life and safety of Government and contractor personnel.

This authorization shall remain in effect until the Agency returns to normal operations; however, in no event will extend beyond 30 September 2020. This authority shall apply only to a contractor whose employees or subcontractors cannot perform work on a site that has been approved by the Federal Government, including a federally-owned or leased facility or site, due to facility closures or other restrictions, and who cannot telework because their job duties cannot be performed remotely during the public health emergency declared on 31 January 2020 for COVID-19: Provided, that the maximum reimbursement authorized by this section shall be reduced by the amount of credit a contractor is allowed pursuant to division G of Public Law 116-127, and any applicable credits a contractor is allowed under the CARES Act.

To ensure compliance with division G of Public Law 116-127, and Section 3610 of the Act, contractors shall be required to include a certification with each invoice that states the following:

I certify all charges tendered in this invoice have not, and will not receive credit for the amount requested pursuant to division G of Public Law 116-127 or any credits allowed under the Coronavirus Aid, Relief and Economic Security Act (CARES), Public Law 116-136.

I certify that the request is made in good faith, and that the supporting data are accurate and complete to the best of my knowledge and belief.

UNCLASSIFIED

UNCLASSIFIED

(Corporate Certifying Official's Name)

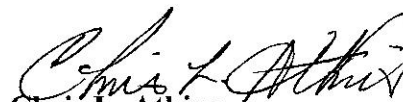
(Title)

Date

For all Cost Reimbursement, Time and Materials, Labor Hour and Fixed-Price Level-of-Effort contracts, contractors intending to request reimbursement pursuant to the CARES act should separately track all paid leave by labor category associated with COVID-19 and subject to CARES Act reimbursement, from actual hours worked. Contractors shall separately identify COVID-19 applicable telework hours in a separate annex and affix it to applicable invoices. Contractors are reminded, that pursuant to DARSI clause 5552.231-9002 – *Hours of Operation and Holiday Schedule*:

- Contactor personnel may work from an Agency authorized alternate work location, including from home, only if approved by the Contracting Officer or their designee.
- Contractors shall follow their disclosed charging practices during the period of performance and not follow any verbal directions to the contrary.
- Contractors shall continue to accrue, allocate and bill for costs consistent with their disclosure statement or approved accounting practices – See FAR 52.230-2 – *Cost Accounting Standards*, & 52.230-3 – *Disclosure and Consistency of Cost Accounting Practices*.

To ensure equitable treatment and maximize new latitudes instituted by the Office of the Secretary of Defense, DIA previously issued a global modification that incorporated DARSI clause 5552.231-9002 in all contractual instruments, relaxed restrictions on place of performance and maximized telework. For additional guidance, industry should reference DIA's *COVID-19 General Contracting Frequently Asked Questions* attached to this bulletin. Contractors are reminded the CARES Act is discretionary and it allows but does not require the Agency to modify contracts, without consideration, to allow for this reimbursement. The information in this bulletin is subject to change pending further policy or regulatory guidance on the implementation of Section 3610 of the CARES Act. DIA thanks our industry partners for their enduring flexibility and unyielding support.


Chris L. Atkins
Senior Procurement Executive
Defense Intelligence Agency

Attachment: DIA COVID-19 General Contracting Frequently Asked Questions

UNCLASSIFIED