



General Service Administration
Office of the Procurement Ombudsman

GSA COVID-19 Acquisition Resource

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Resource Topics

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General Service Administration
Office of the Procurement Ombudsman

GENERAL CONTRACTING

COVID-19 Impact

Payment to Contractors

No negative impact to Contractor payment processing due to COVID-19

Disbursements on all contracts are currently accelerated to 15 day payment terms vs. the typical contractual terms of 30 days under the Prompt Payment Act and [FAR 52.232-25 Prompt Payment](#).

Delays in payment could potentially result if there are delays in acceptance of goods and/or services by the receiving office.

COVID-19 Impact

Payment to Contractors: GSA Suspension or Work Stoppage

- **If GSA stops or suspends work due to COVID-19:**
 - Contractors may be paid in accordance with the terms and conditions of the contract for items delivered and accepted by the Government prior to the suspension or stop-work order
 - Contractors may also be entitled to an equitable adjustment for additional costs associated with the suspension or stop-work order (see [FAR 52.242-14](#), *Suspension of Work* or [FAR 52.242-15](#), *Stop-Work Order*)
- **If items are not provided or required by the Government due to COVID-19:**
 - Payment reductions may be computed.

For more information click [HERE!](#)

COVID-19 Impact

Contractor Telework



Contractors may be unable to access government work sites



Telework is an important tool for enabling continued contract performance



Government should evaluate and maximize telework for contract employees



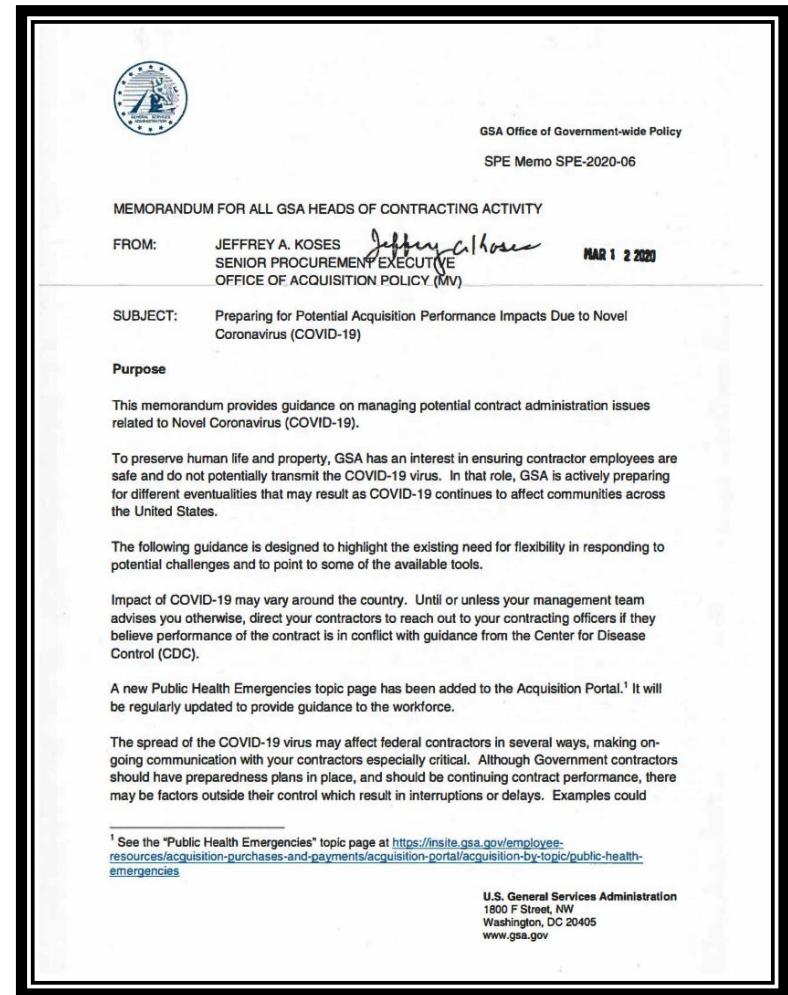
Government can modify contracts that do not currently allow for telework

COVID-19 Impact

Contractor Telework

- GSA issued guidance regarding Contractor telework in [SPE MEMO 2020-06](#), **Preparing for Potential Acquisition Performance Impacts Due to Novel Coronavirus (COVID-19)**.
- The guidance emphasizes that contracting officers should work with contractors to find solutions that will avoid or minimize interruptions or delays to schedule, so mission critical work can still be completed on time.

For more information click [HERE!](#)



COVID-19 Impact

Contractor Telework: Contracts Lending Themselves to Telework

Many Federal contracts can be performed without contractor personnel working on site.

Use Case	GSA's Acquisition Workforce Action
<ul style="list-style-type: none">Contract already permits contractors to telework	<ul style="list-style-type: none">Work with the contractor's program manager to permit additional telework
<ul style="list-style-type: none">Contract does not currently permit contractor employees to telework, but the work can be performed remotely	<ul style="list-style-type: none">Work with the contractor's program manager to permit contractor employees to telework on a case by-case basis for an agreed upon amount of time.

For more information click [HERE!](#)

COVID-19 Impact

Contractor Telework: Contracts NOT Lending Themselves to Telework

If contracts require services which must be performed at a Government facility, GSA's acquisition workforce should:

- Consider being flexible on contract completion dates
- Proactively engage with contractors and program offices to address potential service delivery issues before they occur.

GSA may suspend or stop performance through the following clauses, which provide certain rights and responsibilities to contractors as well as to GSA:

- FAR 52.242-14, Suspension of Work; and
- FAR 52.242-15, Stop Work Order.

GSA may make changes to a contract through the following changes clauses, which may aid in responding to COVID-19 Contracts:

- FAR 52.243-1,
- FAR 52.243-2,
- FAR 52.243-3, or
- FAR 52.243-4(c)

Obtaining Personal Identity Verification (PIV) Cards and Building Access for New Contractors

- **Fingerprinting for PIV Cards:**
 - GSA will continue to collect and process fingerprints for vetting and issuance of PIV Cards (i.e., GSA Access Cards) as much as feasible.
 - Normal time-frames may be delayed.
- **Building Access:**
 - If building access is needed and a PIV Card cannot be issued, the contractor must follow access procedures established by the Facility Security Committee (FSC)
 - Contractor may require an escort in the absence of a PIV Card.
- Contractors should **consult with their Contracting Officer Representative (COR)** to obtain guidance specifically tailored to their situation.



For more information click [HERE!](#)

Returning Personal Identity Verification (PIV) Cards and Government Furnished Equipment



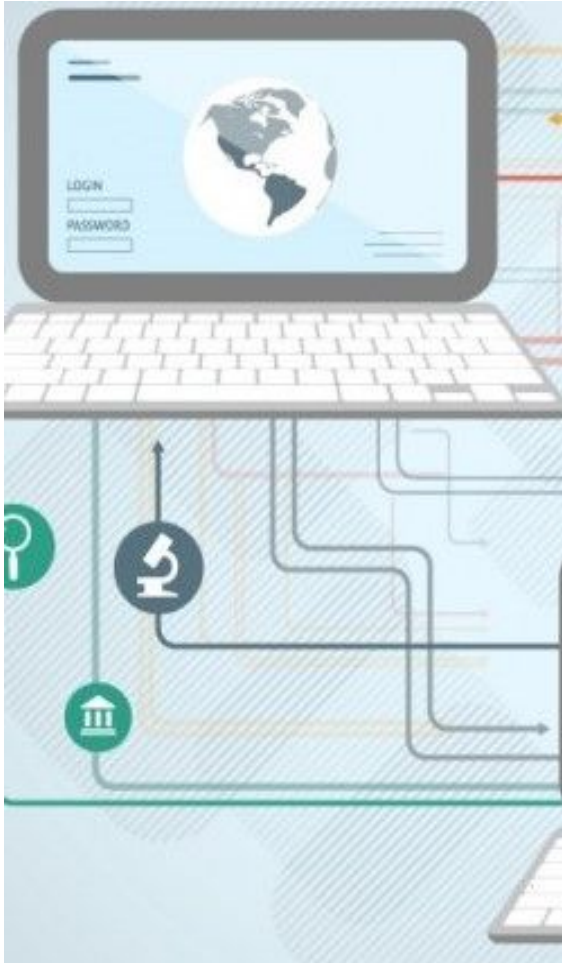
Provide CO Tracking Info

Returning PIV Cards and Government Furnished Equipment (GFE) in the absence of onsite Government personnel?

- During the COVID-19 period, contractors should **work with their Contracting Officers (CO)** to return PIV Cards (i.e., GSA Access Cards) and Government Furnished Equipment (GFE)
- **Returning PIV Cards:**
 - Mail to: **HSPD-12 Program Management Office, 1800 F Street, N.W., Washington D.C. 20405**
 - Provide the CO with any tracking information
- **Returning GFE:** The CO will collaborate with GSA IT to provide a shipping label and further instructions for GFE

For more information click [HERE!](#)

Contractor Access to GSA Network and Using Contractor Supplied IT Equipment



- **Network Access:**
 - For contractor access to GSA network, **COs or CORs must submit request** on behalf of contractors in compliance with GSA IT Security Standards
- **Contractor Supplied IT Equipment:**
 - Contractor may use its own IT equipment but if such equipment is non-compliant with GSA IT minimum specifications, **CO or COR must submit waiver and justification.**

For more information click [HERE!](#)

Temporary Policy for Contractor Onboarding and Offboarding during COVID-19

- **GSA adjusted procedures for onboarding and offboarding contractors working on GSA contracts** by temporarily changing procedures for standard face to face credentialing, termination of credentials/buildings access, and collection and distribution of Government Furnished Equipment (GFE) to contractors
- GSA issued [Acquisition Letter MV-20-07](#) which addresses:
 - **Temporary Changes for Contractor Onboarding** *(See slide 13 for more details)*
 - **Temporary Changes for Contractor Offboarding** *(See slide 14 for more details)*
 - **Contractors Needing Laptops, Phones, Network Access, etc. for Telework** *(See slide 15 for more details)*

For more information click [HERE!](#)

Use of Non-TAA Compliant Products


There is an increased demand for certain critical and essential supply items.

Many contractors are unable to meet Federal requirements for Trade Agreements Act (TAA) compliant products.

GSA issued a [SPE-2020-11 Class Determination and Findings](#) (D&F), to

- temporarily allow the procurement of non-TAA compliant products under GSA contracts
- The legal basis for the determination:
 - [FAR 25.403 \(c\)](#) - Insufficient available supply of these items from trade agreement compliant sources or
 - [FAR 25.103\(b\)](#) Insufficient availability under the Buy American statute clause

For more information click [HERE](#)



GSA Office of Government-wide Policy
SPE Memo SPE-2020-11

April 3, 2020

GENERAL SERVICES ADMINISTRATION
APPLICABLE TO ALL GSA CONTRACTING ACTIVITIES

Class Determination and Findings (D&F) in accordance with Federal Acquisition Regulation (FAR) subpart 1.7.

Nature and/or description of the action being approved

Buying for America - Exception for Non-availability for Trade Agreements and Buy American Statute Clauses.

Citation of the appropriate statute and/or regulation upon which the D&F is based

The legal basis for this exception determination is one or more of the following:

- Trade Agreements: FAR 25.403(c) insufficient quantity (19 U.S.C. 2512(a)(2));
- Buy American: FAR 25.103(b) (41 U.S.C. 8302(a)(2)).

FINDINGS

1. The United States is under attack from COVID-19 and actions are being taken to protect all Americans. President Trump declared a National Emergency Concerning the COVID-19 Outbreak on March 13, 2020. The health and safety of the American people is the U.S. government's top priority.

2. At present, American lives and way of life face a grave challenge. Agencies across the federal government are taking unprecedented actions to mitigate the impact of COVID-19. To support this effort, the GSA must ensure other agencies are able to function and preserve the lives of their workers, to ensure federal buildings and hospitals are clean and safe, and that necessary supplies are on hand.

U.S. General Services Administration
1800 F Street, NW
Washington, DC 20405
www.gsa.gov

Use of Non-TAA Compliant Products

(Cont'd)

- Non-TAA Compliant D&F states:
 - Determination can be used from April 03, 2020 - July 1, 2020 (subject to change)
 - Applies to all GSA Contracts (and orders placed against GSA contracts)
 - Agencies using GSA contracts under this determination are not required to make a separate non-availability determination at the order level
 - There is no limit on order value
 - Determination does not change existing pricing policies
 - Items may be manufactured in any country except those listed in FAR subpart 25.7 (Cuba, Iran, and Sudan and most imports from Burma or North Korea)

Use of Non-TAA Compliant Products cont'd (Updated)

- List of Covered Federal Supply Classes (FSCs)
 - The Class D&F applies to certain Federal Supply Classes (FSCs)
 - Eligible FSC codes are subject to change (SPE amends determination)
 - Items identified below are examples of items that may be added to a GSA contract
 - Any product under the FSC below is covered by this determination

FSC	General Products Purchased	Determination Applicability Begin Date	Determination Applicability End Date
FSC 6810	Sodium Hypochlorite (bleach)	04/03/2020	07/01/2020
FSC 6840	Disinfectants includes cleaners, sprays and wipes	04/03/2020	07/01/2020
FSC 7930	Cleaners including sanitizing surface and floor cleaners	04/03/2020	07/01/2020
FSC 8520	Hand sanitizers, soaps and dispensers	04/03/2020	07/01/2020

Use of Non-TAA Compliant Products (Cont'd)

Supplement 1 to SPE Memo SPE-2020-11

(Updated)

- GSA issued **Supplement 1** to SPE Memo SPE-2020-11 which:
 - Extends the Trade Agreements and Buy American statutes non-availability determination to **August 1, 2020**.
 - The list of applicable Federal Supply Classes (FSC) remains the same.
- GSA issued **Supplement 2** to SPE Memo SPE-2020-11 which:
 - Extends the exception authority from **August 1, 2020 to September 30, 2020**.
- GSA issued **Supplement 3** to SPE Memo SPE-2020-11 which:
 - Extends the exception authority from **September 30, 2020 to December 31, 2020**
- GSA issued **Supplement 4** to SPE Memo SPE-2020-11 which:
 - Extends the exception authority from **December 31, 2020 to March 31, 2021**
- GSA issued **Supplement 5** to SPE Memo SPE-2020-11 which:
 - Extends the exception authority from **March 31, 2021 to April 30, 2021**

GSA will continue to monitor the need for this determination on a monthly basis. **All memo's can be located [here](#)**

Acquisition System Extensions

- [SAM.GOV](https://sam.gov) - Current, active registrations due to expire before May 16, 2020 extended for an additional 60 days (One-time only)
- SAM Registration is not required when supporting COVID-19 related Actions ([FAR 4.1102\(a\)\(iii\)](#))
 - **Note: This flexibility is authorized whenever the Stafford Act is invoked**
- [eSRS](#) - SBA extended due dates for Individual Subcontracting Reports
 - **Semi Annual Reports:**
 - Extended thru June 30, 2020
 - **Contracts Completed between March 13 – May 30 2020:**
 - Extended thru June 30, 2020
 - See [Memo](#) for more information






General Service Administration
Office of the Procurement Ombudsman

GSA PROCUREMENT: ADDITIONAL POLICIES-MEMOS, ACQUISITION LETTERS, DEVIATIONS, GUIDANCE

Emergency Acquisitions Flexibilities for Novel Coronavirus Disease 2019 (COVID 2019)-**New!**

GSA issued [SPE MEMO 2020-07](#)
which includes:

- Information to assist Heads of Contracting activities and Contracting officers actively responding to the Coronavirus.
- Contract and Lease flexibilities
- A new National Interest Action code has been established in the (FPDS) Federal Procurement Data System as a means tracking cost
- Additional Guidance - the Small Business Administration provides support. see [SBA Resources](#)



GSA Office of Government-wide Policy
SPE Memo SPE-2020-07

MEMORANDUM FOR ALL GSA CONTRACTING ACTIVITIES AND HEADS OF CONTRACTING ACTIVITY

FROM: JEFFREY A. KOSES
SENIOR PROCUREMENT EXECUTIVE
OFFICE OF ACQUISITION POLICY (MV)

SUBJECT: Emergency Acquisition Flexibilities for Novel Coronavirus Disease 2019 (COVID-19)

1. Purpose.

The Novel Coronavirus Disease 2019 (COVID-19) was declared an emergency by the President on March 13, 2020. COVID-19 has also been declared a pandemic by the World Health Organization on March 11, 2020 (see the [WHO webpage](#)), and public health emergency by the Secretary of Health and Human Services on January 31, 2020 (see the [Public Health Emergency webpage](#)). GSA anticipates being part of the response operation. Many GSA contracting officers may be called on to aid in response efforts. The following information is provided to assist the Heads of Contracting Activities (HCAs) and contracting officers actively responding to the Coronavirus.

2. Contract and Lease Flexibilities.

This memorandum focuses on the flexibilities in FAR subpart 18.2, but as a reminder, the flexibilities in FAR subpart 18.1 apply to any emergency situation, both with and without an emergency declaration. Further information on emergency acquisition is now available on the GSA Acquisition Portal under the [Emergency Acquisitions Webpage](#). Additionally, information specific to public health emergencies is also available on the GSA Acquisition Portal under the [Public Health Emergencies Webpage](#).

For direct purposes of the response to Coronavirus Disease 2019:

- The micropurchase threshold is increased to:
 - \$20,000 in the case of any contract to be awarded and performed, or purchase to be made, inside the United States, including the acquisition of leasehold interests in real property; and

U.S. General Services Administration
1800 F Street, NW
Washington, DC 20405
[www.gsa.gov](#)

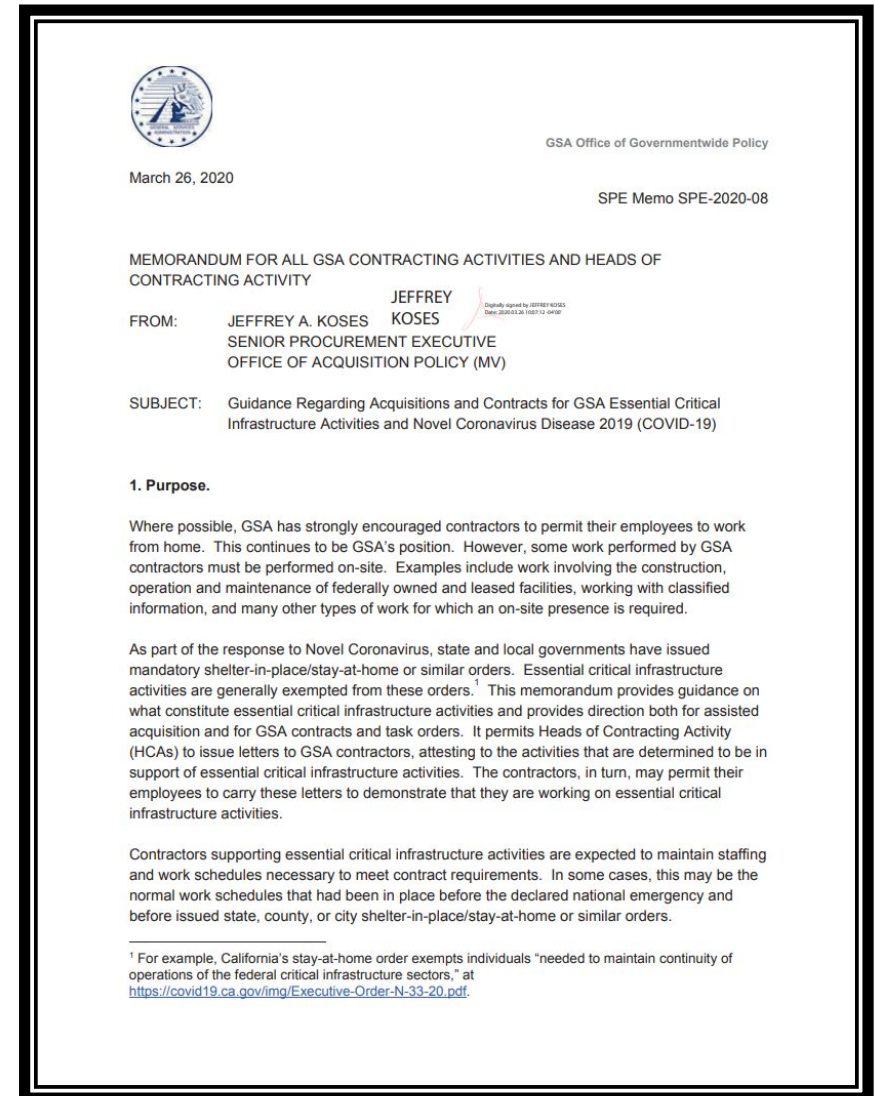
Emergency Acquisitions Flexibilities for Novel Coronavirus Disease 2019 (COVID 2019) Cont'd-*Updated!*

- GSA issued SPE MEMO 2020-07 **Supplement 1** which:
 - Extended the Authority of the exception from **July 1, 2020 to September 30, 2020.**
- GSA issued SPE MEMO 2020-07 **Supplement 2** which:
 - Extended the Authority of the exception from **September 30, 2020 to March 31, 2021.**
- GSA issued SPE MEMO 2020-07 **Supplement 3** which:
 - Extended the Authority of the exception from **March 31, 2021 to September 30, 2021.**

All memo's can be located [here](#)

GSA Essential Critical Infrastructure Activities

- **Essential critical infrastructure activities** are generally exempt from mandatory shelter-in-place/stay-at-home or similar orders currently issued by state and local governments
- GSA issued **SPE MEMO 2020-08** to provide:
 - Guidance on what constitutes essential critical infrastructure activities
 - Direction both for assisted acquisition and for GSA contracts and task orders.



GSA Essential Critical Infrastructure Activities

Cont'd

- Criteria for Identifying Critical Infrastructure
 - DHS: “medical and healthcare, telecommunications, information technology systems, defense, food and agriculture, transportation and logistics, energy, water and wastewater, law enforcement, and public works” industries are part of the nation’s essential critical infrastructure.
 - **Federally-owned or Federally-leased buildings** can be classified as critical infrastructure if the business conducted in those buildings is supporting any of the categories in DHS’s memo.
 - Contractors performing on all **rated orders placed under the Defense Priorities and Allocations System (DPAS)** are considered to be performing essential critical infrastructure activities.
- Determination of whether or not a contract is part of the **essential critical infrastructure** is best made at the **local level** by the GSA Heads of Contracting Activities (HCAs)

GSA Essential Critical Infrastructure Activities

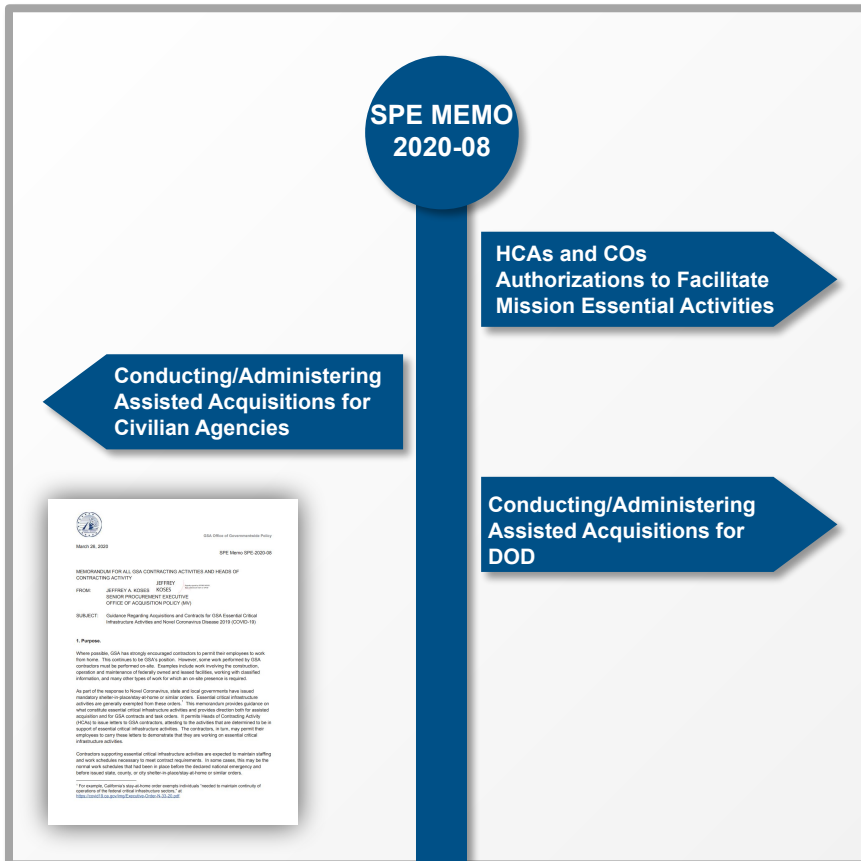
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- Contractors supporting essential critical infrastructure activities are expected to maintain staffing and work schedules necessary to meet contract requirements
 - In some cases, this may be the normal work schedules that had been in place before the declared emergency orders
- [SPE MEMO 2020-08](#) allows HCAs to issue essential critical infrastructure activity **letters**:
 - **COs** would **send letters** to GSA contractors, **attesting** to the activities that are determined to be in support of **critical infrastructure**.
 - Contractors, in turn, may **permit their employees to carry these letters** to demonstrate that they are working on essential critical infrastructure activities.

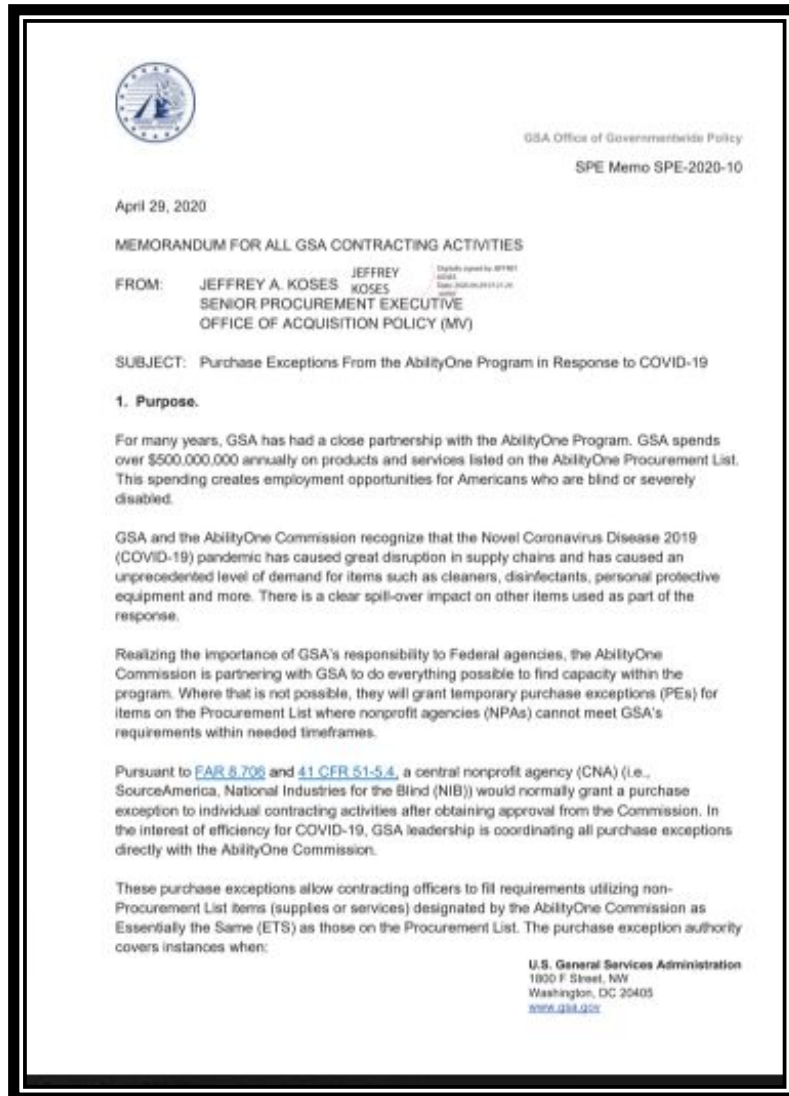
GSA Essential Critical Infrastructure Activities

Cont'd

- [SPE MEMO 2020-08](#) also contains:
 - Guidance re: What HCAs and COs are Authorized to Do to Facilitate Mission Essential Activities
 - Guidance for Offices Conducting/Administering Assisted Acquisitions for Department of Defense
 - Guidance for Offices Conducting/Administering Assisted Acquisitions for Civilian Agencies
 - GSA Point of Contact
 - FAQs



COVID-19 Purchase Exceptions from the AbilityOne Program



- **GSA and the AbilityOne Commission** recognize that the COVID-19 pandemic has caused great disruption in supply chains and has caused an unprecedented level of demand for items such as cleaners, disinfectants, personal protective equipment and more. As a result:
- GSA issued **SPE Memo SPE-2020-10** which:
 - Grants **temporary purchase exceptions (PEs)** for items on the Procurement List where nonprofit agencies (NPAs) cannot meet GSA's requirements within needed timeframes.
 - These PEs **allow contracting officers to fill requirements utilizing non-Procurement List items** (supplies or services) designated by the **AbilityOne Commission as Essentially the Same (ETS)** as those on the Procurement List.

COVID-19 Purchase Exceptions from the AbilityOne Program (Cont'd)

- GSA Memo [SPE Memo SPE-2020-10](#) also states:
 - The PE authority covers instances when:
 - the NPA cannot provide the supplies or services within the time required and commercial sources can provide them significantly sooner in the quantities required, or
 - the quantity/service required cannot be produced or provided economically by the NPA.
 - States that this temporary purchase exception ends **July 30, 2020**
 - States that performance delays attributable to COVID-19 should not result in a negative performance evaluation for the AbilityOne nonprofit agencies
 - States that you open orders where delivery dates cannot be met the CO may issue a no-cost cancellation or at the CO's discretion modify the order to accept an Essentially the Same (ETS)
 - States that the effective dates apply to the ordering period, not the period of performance (delivery or fulfillment of an order may be completed after the expiration of this memo)

COVID-19 Purchase Exceptions from the AbilityOne Program (Cont'd)

- GSA issued SPE Memo **SPE-2020-10 Supplement 1** which:
 - Allows ETS items to be added to FSS contracts when a Purchase Exception has been granted.
- GSA issued SPE Memo **SPE-2020-10 Supplement 2** which:
 - Extends the purchase exemption authority from **July 31, 2020** to **September 30, 2020**.
- GSA issued SPE Memo **SPE-2020-10 Supplement 3** which:
 - Extended authority provided in the original SPE -2020-10 memo to purchase exceptions from the US AbilityOne Commission. It extends the authority from **September 30, 2020** to **December 31, 2020**.

For more information, please view all supplements [Here](#)

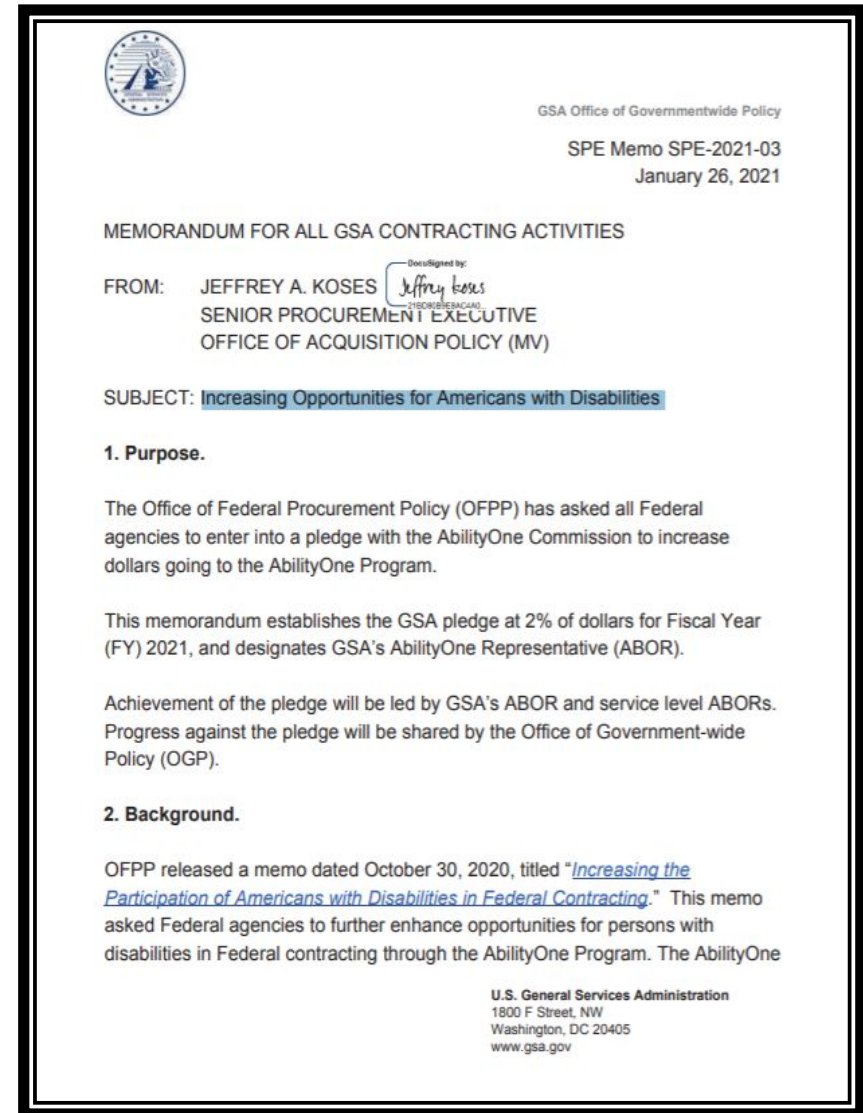
COVID-19 Purchase Exceptions from the AbilityOne Program (Cont'd)-**New!**

- GSA issued SPE Memo SPE-2020-10 Supplement 4 which:
 - Extends the purchase exemption authority from **December 31, 2020 to March 31, 2021.**
- GSA issued SPE Memo SPE-2020-10 Supplement 5 which:
 - Extends the purchase exemption authority from **March 31, 2021 to September 30, 2021.**

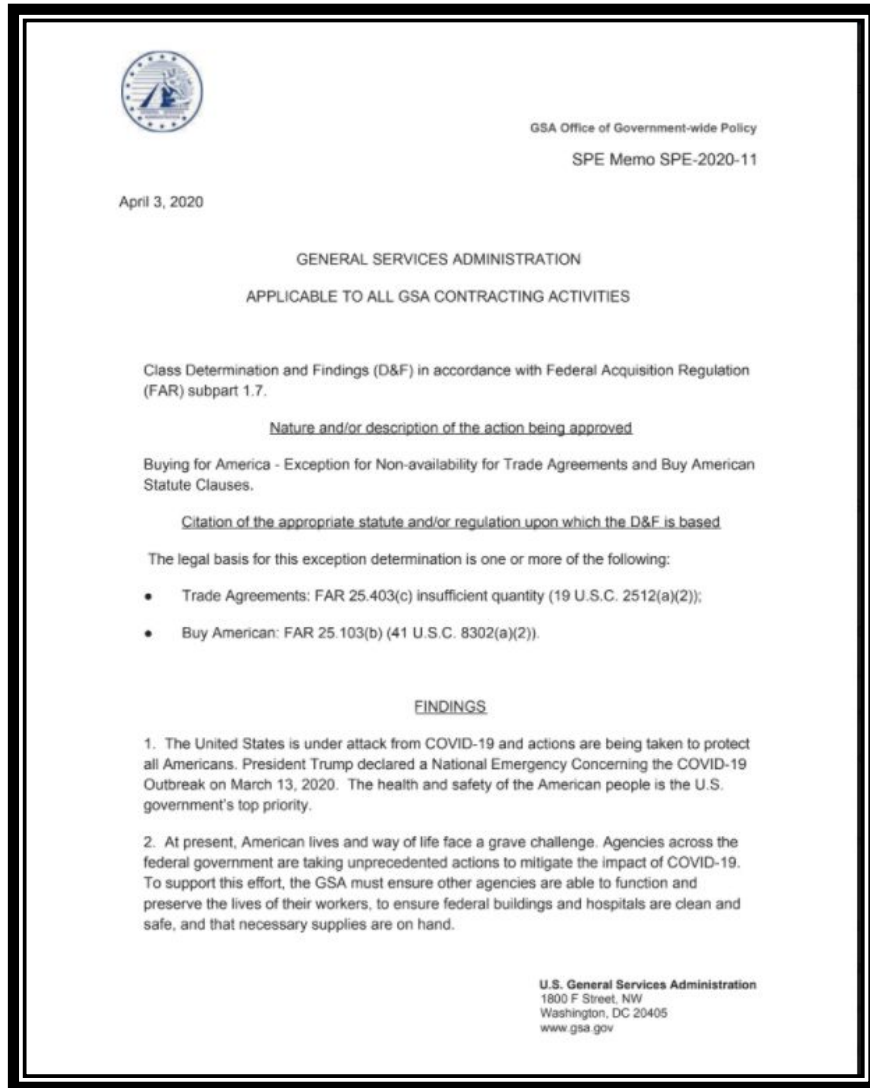
For more information, please view all supplements [Here](#)

Increasing Opportunities for Americans with Disabilities-**NEW!**

- GSA issued [SPE Memo SPE-2021-03](#):
 - The Memo is in response to an Office of Federal Procurement Policy (OFPP) memo asking federal agencies to increase opportunities for Americans with disabilities in federal contracting
 - GSA pledges to spend at least 2% of Fiscal Year (FY) 2021 funds with the AbilityOne program.
 - The memo designates new AbilityOne Representatives at GSA, who are tasked with ensuring awareness of and providing support for the AbilityOne program across the agency.



Buying for America - Exception for Non-Availability for Trade Agreements and Buy American Statute Clauses



- GSA issued [SPE Memo SPE-2020-11](#) which:
 - Determined that due to Covid19, the US does not have sufficient suppliers to produce products necessary to fight the virus.
 - Allows for procurement of materials made from manufactures in the US and approved countries to aid in the fight against Covid19.
 - Has been approved for Government contracts during the phase of the emergency.
 - Was extended to **July 1, 2020**

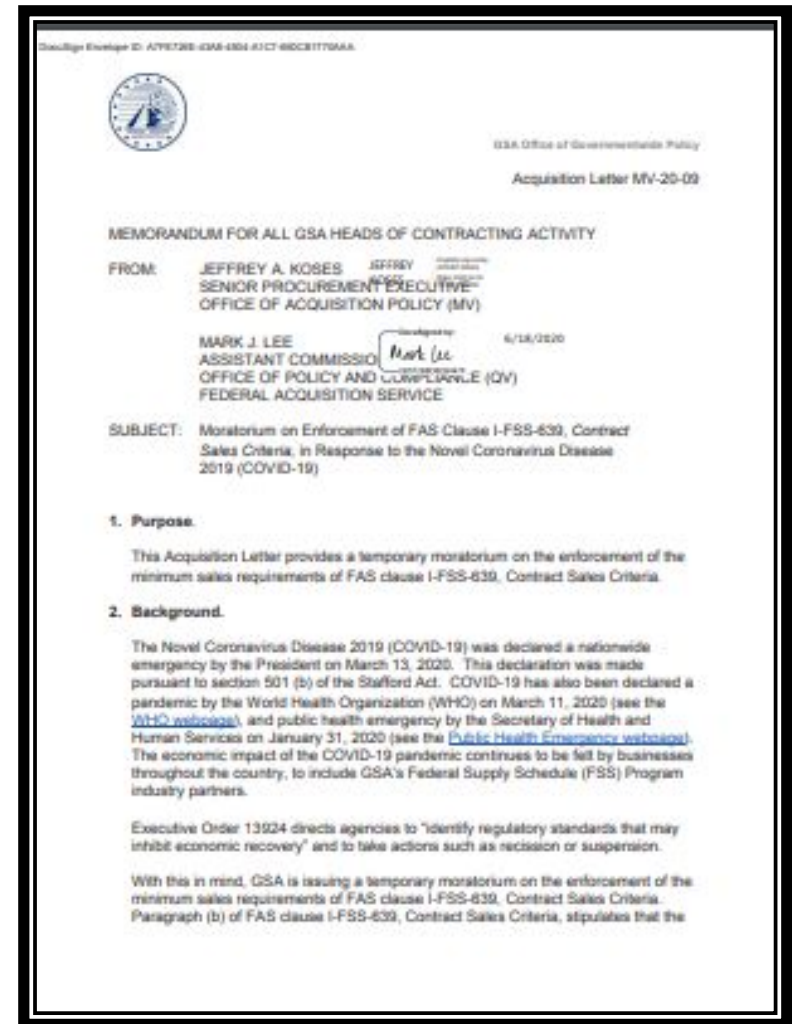
Buying for America - Exception for Non-Availability for Trade Agreements and Buy American Statute Clauses (Cont'd) *Updated!*

- GSA issued SPE Memo SPE-2020-11 Supplement 1 which:
 - Extended the Authority of the exception from **July 1, 2020** to **August 1, 2020**.
- GSA issued SPE Memo SPE-2020-11 Supplement 2 which:
 - Extended the Authority of the exception from **August 1, 2020** to **September 30, 2020**.
- GSA issued SPE Memo SPE-2020-11 Supplement 3 which:
 - Extends the Authority of the exception from **September 30, 2020** to **December 31, 2020**.
- GSA issued SPE Memo SPE-2020-11 Supplement 4 which:
 - Extends the Authority of the exception from **December 31, 2020** to **March 31, 2021**.
- GSA issued Supplement 5 to SPE Memo SPE-2020-11 which:
 - Extends the exception authority from **March 31, 2021** to **April 30, 2021**

For more information, please see all supplements [Here](#)

Temporary Moratorium of Minimum Sales Requirement for FSS Contracts

- GSA issued [Acquisition Letter MV-20-09](#) to provide:
 - A temporary moratorium on the enforcement of the minimum sales requirements of FAS Clause I-FSS-639, Contract Sales Criteria.
 - FAS Clause I-FSS-639, Contract Sales Criteria states that the Government may cancel the contracts if sales do not exceed \$25,000 in the first 24 months following contract award and \$25,000 every 12 month period thereafter.
 - This moratorium is effective until **September 30, 2020**, unless extended.



Temporary Moratorium of Minimum Sales Requirement for FSS Contracts

CONT'D (Updated)

- GSA issued Acquisition Letter MV-20-09 **Supplement 1** which
 - Extends the temporary moratorium on the enforcement of minimum sales requirement for FAS Clause I-FSS-639 from **September 30, 2020 to March 31, 2021.**
- GSA issued Acquisition Letter MV-20-09 **Supplement 2** which
 - Extends the temporary moratorium on the enforcement of minimum sales requirement for FAS Clause I-FSS-639 from **March 31, 2021 to September 30, 2021.**

For more information, please see all supplements [Here](#)

Class Deviations

To respond to the COVID-19 pandemic, GSA has issued **Class Deviations** which may affect certain contracting activities

- **What is a Class Deviation?**

- An authorized deviation from the FAR which affects more than one contract action

- **Where can I find more information?**

- Information about the process can be found in [FAR 1.4](#)
- The full text of class deviations can be accessed through the [GSA Policy Library](#) or through links on the following slide

- **How can I ask questions about Class Deviations ?**

- Questions regarding these GSA deviations may be sent to GSARPolicy@gsa.gov

Class Deviation

Suspension and Debarment

Previous Requirement	Class Deviation Amendment
<p>FAR 9.4 requires notice of suspension or proposed debarment be sent to a contractor by certified mail</p>	<p>Class Deviation CD-2020-04 amends the notice requirement to allow for notice to be sent electronically</p> <ul style="list-style-type: none">• FAR 9.406-3(c), <i>Notice of Proposal to Debar</i>, and FAR 9.407-3(c), <i>Notice of Suspension</i>, are both modified to remove language requiring notice of a debarment or suspension be sent by certified mail




Class Deviation

Suspension and Debarment (Cont'd)

Previous Requirement	Class Deviation Amendment
GSAR 509.4 , <i>Debarment, Suspension, and Ineligibility</i> - Silent on notification means to contractors	Class Deviation CD-2020-04 allows suspension and debarment notices to be sent electronically
GSAR 509.406-3 , <i>Procedures</i> Silent on notification means to contractors	Class Deviation CD-2020-04 amends this requirement to: <ul style="list-style-type: none">• Add language to GSAR 509-406-3(b)(2) which requires referrals to the Suspension and Debarment Official to include the email address of the parties proposed for debarment• Remove language from GSAR 509-406-3(d)(1)(ii) that required notice to be sent by certified mail


Class Deviation

Signatures and Seals

Previous Requirement	Class Deviation Amendment
<p>FAR 28.106-1, <i>Bonds and Bond-Related Forms</i>, requires corporations to affix corporate seals to certain forms.</p> 	<p>Class Deviation SD-2020-05 amends this requirement to remove the need for any physical seal or manual signature:</p> <ul style="list-style-type: none">● FAR 28.002, <i>Policy</i>, (not yet online) allows electronically and mechanically applied seals and signatures to be considered as original signatures, dates and seals for the purpose of FAR 28;● FAR 28.106-1, <i>Bonds and Bond-Related Forms</i>, is amended to specify a seal is not required on certain forms.

Class Deviation

Signatures and Seals (Cont'd)

Previous Requirement	Class Deviation Amendment
<p><u>GSAR 528.202</u>, <i>Sureties and Other Security for Bonds</i>, require corporate surety bonds to be manually signed and affixed with a seal.</p> 	<p><u>Class Deviation SD-2020-05</u> eliminates this requirement:</p> <ul style="list-style-type: none">• <u>GSAR 528.202</u>, <i>Sureties and Other Security for Bonds</i>, is entirely deleted by the class deviation;• <u>GSAM 528.202-70</u>, <i>Acceptability of Bonds and Sureties</i>, previously gave guidance to GSA personnel on accepting signed bonds and sureties. It is also entirely deleted by the class deviation.

Class Deviation

Streamlined Congressional Notification Requirements

Previous Requirement	Class Deviation Amendment
<p>FAR 6.302-7 requires Congress to be notified in writing not less than 30 days after a determination that full and open competition need not be provided for when the agency head determines that it is not in the public interest</p>	<p>Class Deviation CD-2020-06 sets a different timeline allowing GSA to notify Congress of not less than 3 days before a contract award, rather than general time frame of not less than 30 days before a contract award.</p> <div data-bbox="989 910 1744 1412"><p>COVID-19 UPDATE</p></div>

Class Deviation

GSA Accelerated Payments to Small Businesses & Subcontractors

Previous Requirement

[FAR 52.232-40](#) requires prime contractors to provide accelerated payments to their small business'

Currently, the FAR provides for accelerated payments to small business subcontractors only.



Class Deviation Amendment

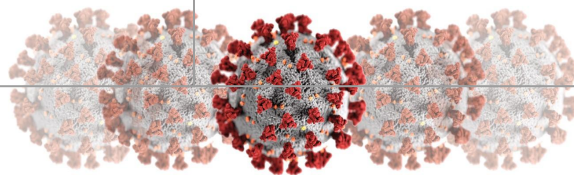
[Class Deviation CD-2020-08](#) allows GSA to provide **accelerated payments to small business contractors**, with a goal of **15 days after receipt of a proper invoice**. This deviation:

- Provides accelerated payments to prime contractors that are small businesses
- Establishes a goal of 15 days after receipt of a proper invoice for payments to prime contractors that are small business and prime contractors that subcontract with a small business concern
- Prohibits prime contractors from charging consideration or a fee to subcontractors when issuing accelerated payments

Class Deviation

Progress Payments Rates Based on Costs

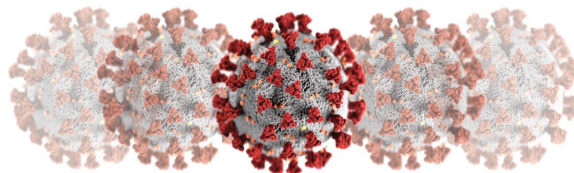
Previous Requirement	Class Deviation Amendment
In relevant parts, FAR 52.232-16, Progress Payments authorizes the Government to make progress payments to the Contractor when requested, as work progresses.	Class Deviation CD 2020-09 allows contractors to receive more cash for work performed to keep their business and the supply chains going during the pandemic, by increasing the progress payment percentages paid to contractors. The Class Deviation: <ol style="list-style-type: none">1. Increases the customary progress payment rate from 80 percent to 90 percent for large businesses2. Increases the customary progress payment rate from 80 percent to 90 percent for small businesses



Class Deviation

Eliminating Hard Copies, Notarizations & Seals

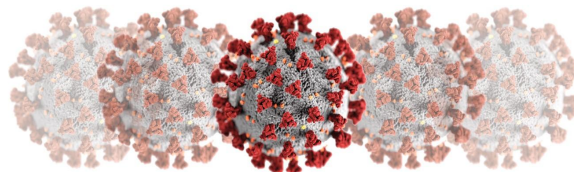
Previous Requirement	Class Deviation Amendment
<p>In relevant parts, FAR Part 28 requires that when obtaining financial protection against losses under contracts, contracting officers shall use:</p> <ul style="list-style-type: none">• FAR 28.106-8• FAR 28.203 (b)• FAR 28.203-5• FAR 52.228-11	<p>Class Deviation CD-2020-10 eliminates the requirement for hard copy original documents, notarization and seals in several scenarios confronting the acquisition workforce <i>in connection with the Coronavirus Disease 2019 (COVID-19) pandemic</i>.</p> <p>This is in addition to the coverage in CD-2020-05 on the use of signatures and seals on bonds.</p>



Class Deviation

Eliminating Hard Copies, Notarizations & Seals (Cont'd)

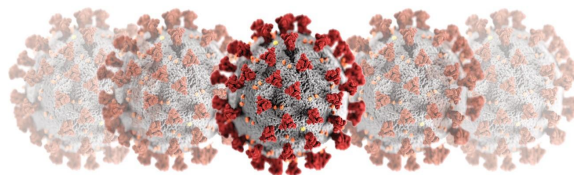
Previous Requirement	Class Deviation Amendment
<ul style="list-style-type: none">In relevant part, GSAM 552.232-23, Assignment of Claims, requires the assignee files written notice of the assignment together with a true copy of the instrument of assignment with the contracting officerIn relevant part, GSAM 532.905-70, Final Payment- Construction and Building Service Contracts, requires contracting officers not to process the final payment on construction or building service contracts until the contractor submits a properly executed GSA Form 1142	<p>Class Deviation CD-2020-10 eliminates the requirement for hard copy original documents, notarization and seals in several scenarios confronting the acquisition workforce in connection with the Coronavirus Disease 2019 (COVID-19) pandemic.</p> <p>This is in addition to the coverage in CD-2020-05 on the use of signatures and seals on bonds.</p>



Class Deviation

Eliminating Hard Copies, Notarizations & Seals (Cont'd)

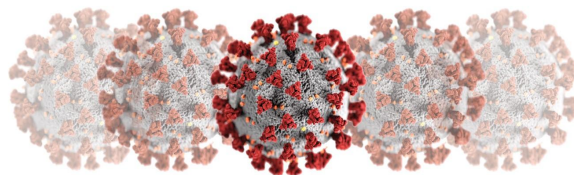
Previous Requirement	Class Deviation Amendment
<p>In relevant parts, FAR 32.8 requires that when processing assignment of claims per FAR subpart 32.8, contracting officers shall use:</p> <ul style="list-style-type: none">• FAR 32.802(e)• FAR 32.805 (a), (b), (c), and (e)	<p>Class Deviation CD-2020-10 eliminates the requirement for hard copy original documents, notarization and seals in several scenarios confronting the acquisition workforce in connection with the Coronavirus Disease 2019 (COVID-19) pandemic.</p> <p>This is in addition to the coverage in CD-2020-05 on the use of signatures and seals on bonds.</p>



Class Deviation

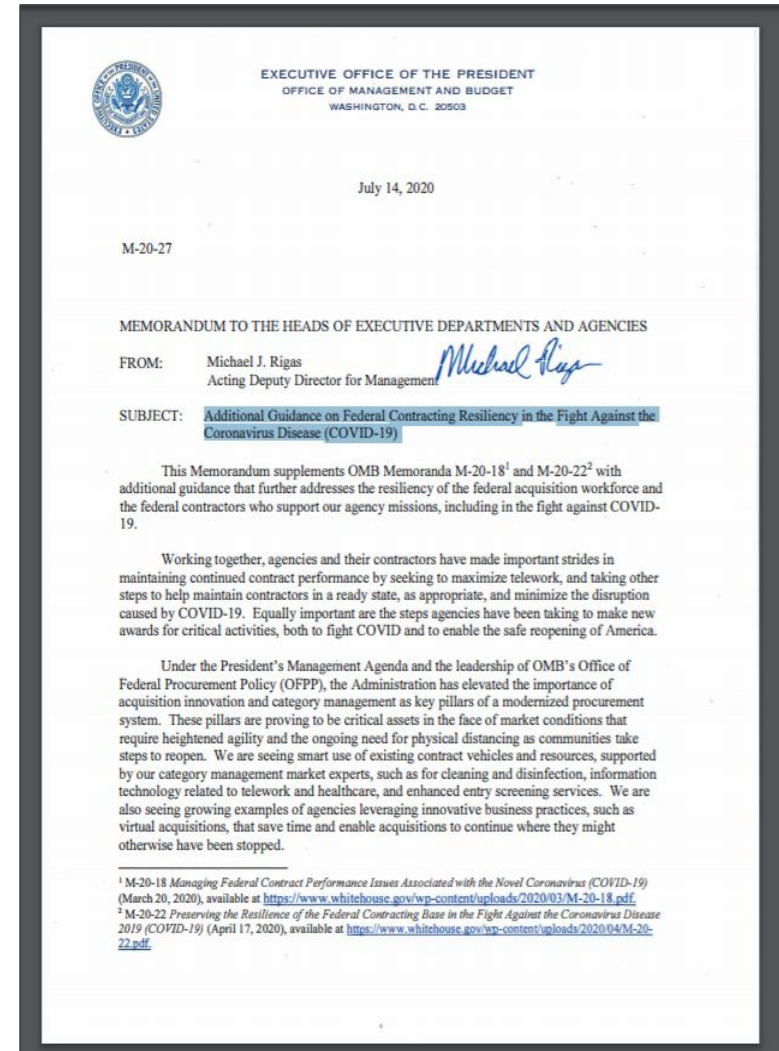
Eliminating Hard Copies, Notarizations & Seals (Cont'd)

Previous Requirement	Class Deviation Amendment
<p>In relevant parts, FAR Part 42 requires that when executing novation agreements and change-of-name agreements, contracting officers shall use:</p> <ul style="list-style-type: none">• FAR_42.1204 (f)• FAR_42.1204 (i)• FAR_42.1205 (b)	<p>Class Deviation CD-2020-10 eliminates the requirement for hard copy original documents, notarization and seals in several scenarios confronting the acquisition workforce <i>in connection with the Coronavirus Disease 2019 (COVID-19) pandemic</i>.</p> <p>This is in addition to the coverage in CD-2020-05 on the use of signatures and seals on bonds.</p>

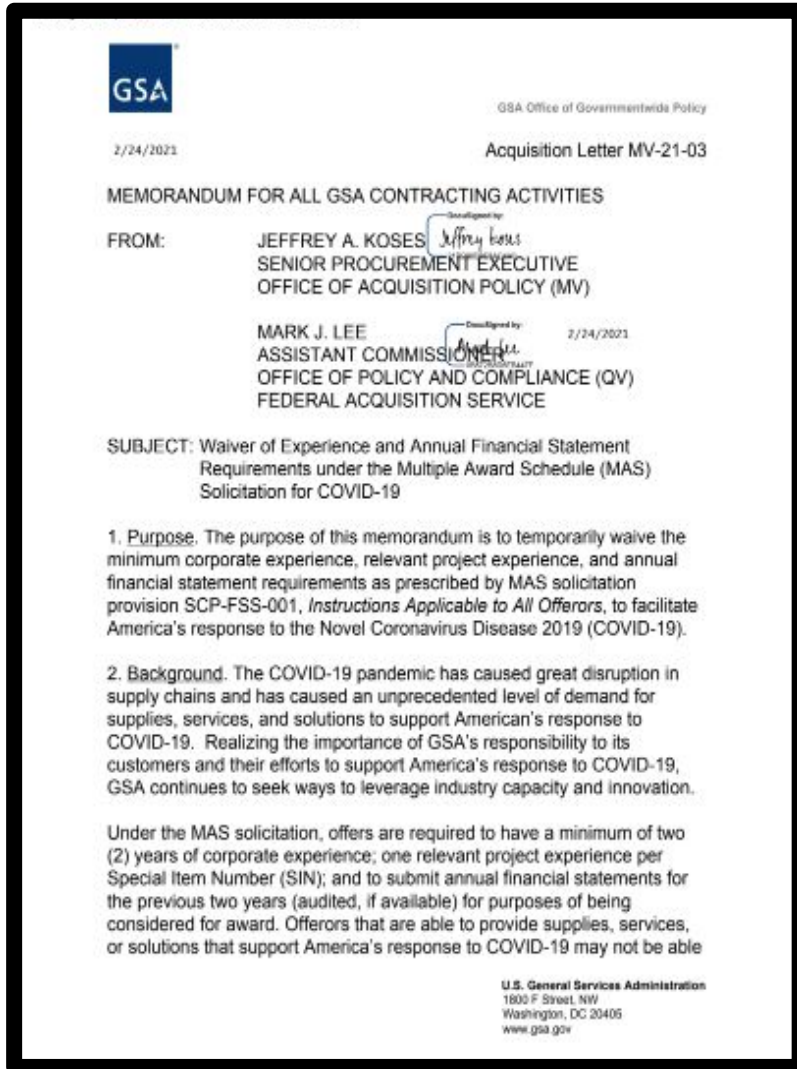


Additional Guidance on Federal Contracting Resiliency in the Fight Against the Coronavirus Disease (COVID-19)

- GSA issued [Memorandum: MV-20-27](#) to provide:
 - This memo addresses the resiliency of the federal acquisition workforce and federal contractors who support our agency missions, including in the fight against COVID-19.
 - The memo includes a list of Frequently Asked Questions, which highlight information and provide examples of agency guidance that may be helpful with COVID-19 response. Some highlights of FAQs include:
 - Purchase Card use (question 6)
 - Tracking/labeling COVID-19 contracts (question 10)
 - CARES Act Section 3610 (contractor paid leave) implementation (questions 12 through 29)



Waiver of Experience and Annual Financial Statement Requirements under the Multiple Award Schedule (MAS) Solicitation for COVID-19-*NEW*



- Due to COVID-19, GSA issued **Memorandum: MV-21-03** which temporarily waives:
 - The two (2) year corporate experience minimum corporate experience
 - The relevant project experience
 - The annual financial statement requirements

Prescribed by MAS solicitation provision
SCP-FSS-001, Instructions Applicable to All
Offerors.

This memorandum will remain in effect until rescinded.



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PBS LEASING

GSA Leasing Guidance to Lessors

- Cleaning and Disinfecting

- GSA recommends that Lessors **provide hand sanitizers or wipes in common areas** of the building, although this is not a requirement of the GSA lease.
- The EPA has a list of **products registered as effective against the COVID-19 virus** that Lessors can reference for disinfecting and cleaning space.

<https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>



Check EPA Website for
authorized list

- Digital Signatures

- GSA Lease Contracting Officers are permitted to digitally sign lease contract documents that were initially manually (wet) signed by the Lessor.
- Lessors and their respective financial institutions should inform GSA Lease Contracting Officers if they are willing to accept a digital signature on Subordination, Non-Disturbance, and Attornment agreements (SNDAs) as it may not be possible to obtain notarization at this time.



Digital Signature allowed



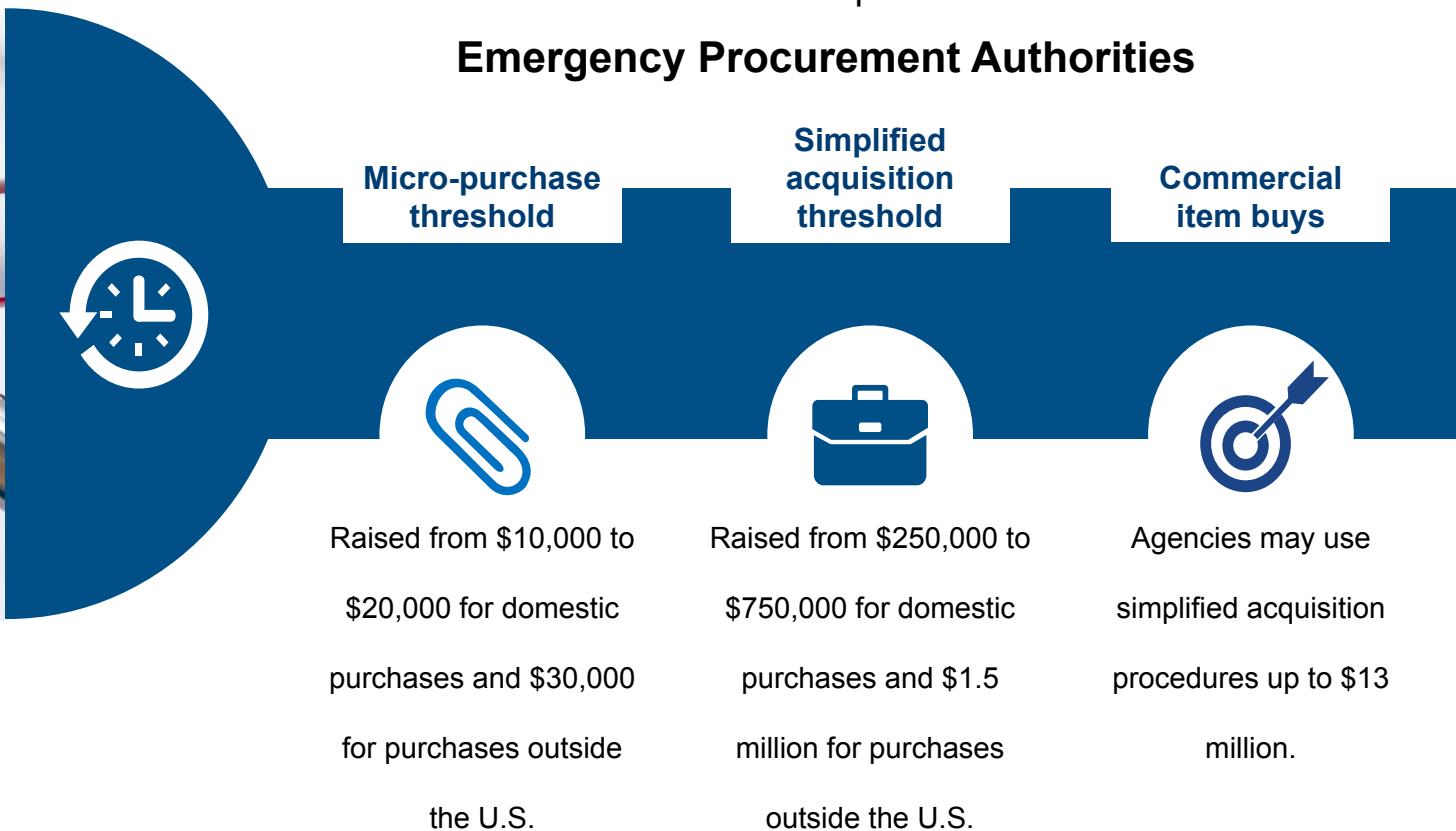
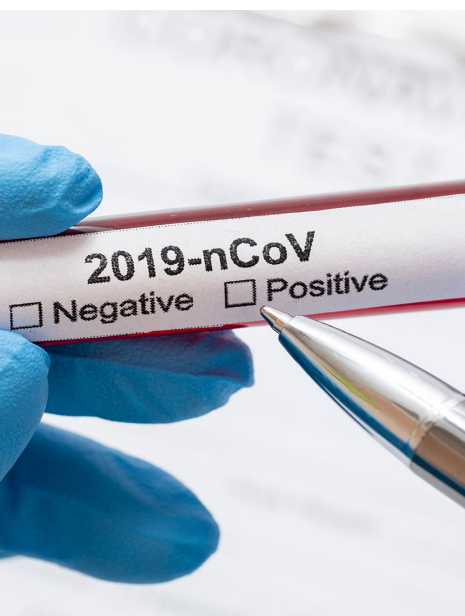
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CONTRACTING FLEXIBILITIES

Special Emergency Procurement Authorities

The President declared an emergency under Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act “The Stafford Act” in response to COVID-19.

Emergency Procurement Authorities



Flexibility in Providing Extensions to Contractor Performance



Agencies should be flexible and provide contractors performance extensions when necessary



The following FAR clauses address contractors' failure to perform due to conditions beyond their control:

- FAR 52.249-14 (Cost Reimbursement)
- FAR 52.249-8 (Fixed-Price Supply & Service)
- FAR 52.212-4 (Commercial Item)
- FAR 52.211-13 (Construction)



Excusable delays should not negatively impact a contractor's performance rating

Contracting Flexibilities

- The FAR includes many acquisition flexibilities when certain conditions are met.
- These acquisition flexibilities **do not require an emergency declaration** under the Stafford Act. A few highlights include:
 - Available **Acquisition Flexibilities**: [FAR 18.1](#)
 - Exception to Full and Open **Competition** for Urgent Requirements: [FAR 6.302-2](#) –
 - Exemption for **SAM Registration**: [FAR 4.1102\(a\)](#) –
 - Waiver for **AbilityOne** Advance Notice: [FAR 8.712\(d\)](#) -
 - Nonenforcement of **Qualification List** Requirements: [FAR 9.206-1\(b\)](#) –
 - Retroactive **Overtime** Approvals: [FAR 22.103-4\(i\)](#)
 - Exemption from **Electronic Funds Transfer** Requirements: [FAR 32.1103\(e\)](#)
 - Waiver of **Cargo Preference**: [FAR 47.502\(c\)](#)

Emergency Flexibilities

- [FAR 18.2](#) details emergency acquisition flexibilities such as:
 - [18.201 Contingency operation](#)
 - [18.202 Defense or recovery from certain events](#)
 - [18.203 Emergency declaration or major disaster declaration](#)
 - [18.204 Humanitarian or peacekeeping operation](#)
 - [18.205 Resources](#)





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STATE & LOCAL GOVERNMENTS

FEMA's Guidance on Personal Protective Equipment



The Stafford Act funding is only for State and Local support



State and Local Governments can submit requests for PPE through their State Emergency Manager to have the request pushed up to the Regional FEMA Office.



State and Local Governments are also encouraged to use whatever means necessary to contract for their PPE needs.

How GSA is Supporting State and Local Governments

GSA Multiple Award Schedule (MAS) Purchasing Programs

- Eligible [State and local entities](#) have access to MAS, also known as Schedules, under the following programs:
 - [Disaster Purchasing](#) - Access to all MAS available offerings under Schedule (consolidated MAS and all legacy Schedules) for emergency/disaster preparation, emergency/disaster response, or major disaster recovery in support of a Stafford Act declaration from the President.
 - [Public Health Emergency \(PHE\)](#) - Access to all offerings on Schedule (consolidated MAS and all legacy Schedules), when expending Federal grant funds in response to Public Health Emergencies declared by the Secretary of Health and Human Services under section 319 of the Public Health Services Act, codified at 42 U.S.C. § 247d.

How GSA is Supporting State and Local Governments

GSA Multiple Award Schedule (MAS) Purchasing Programs

- [Cooperative Purchasing](#) - Access to information technology and law enforcement and security solutions, identified by Special Item Number (SIN) in support of everyday missions.
- [1122 Program](#) - Access to specific SINs and Department of Defense (DOD) items to purchase products in support of emergency response and homeland security (most limiting program because it requires a designated State Point of Contact (SPOC) and has I

How GSA is Supporting State and Local Governments

State and Local Eligibility for GSA Sources

- [GSA Order OGP 4800.2I](#) provides information regarding state and local governments eligibility to use GSA sources of supply and services.
- During the period of the COVID-19 emergency declaration, state and local government entities, including instrumentalities, may make self-determinations of eligibility and should send written confirmation to gsaeligibilitydetermination@gsa.gov . See 40 U.S.C. 502(c) and (d)
- States should contact vendors directly before placing orders on GSA Advantage! to ensure their availability
- Hospitals that are instrumentalities of state and local governments have access to the same GSA sources of supply and services as state and local governments



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CARES ACT

Coronavirus Aid, Relief, and Economic Security (CARES) Act

- Authorizes agencies to reimburse contractors up to 40 hours of leave per week to keep its employees or subcontractors in a ready state, including to protect the life and safety of Government and contractor personnel
- Authority only applies when contractor employees cannot:
 - perform work due to facility closure
 - telework because job cannot be done remotely
- **In effect through September 30, 2020**

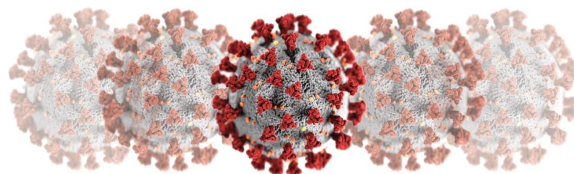


GSA's Implementation of CARES Act

Section 3610-**New!**

[Class Deviation CD-2020-12](#) provides guidance regarding paid leave reimbursement authority to contractors during COVID pandemic. This act permits government agencies to reimburse, at the minimum applicable billing rates no more than 40 hours per week.

- Supplement 1 was issued to extend from **September 30, 2020 to March 31, 2021**
- Supplement 2 was issued to extend from **March 31, 2021 to September 30, 2021.**



GSA's Implementation of CARES Act Section 3610

- **Overwhelming Majority of GSA Continues to Work:**
 - GSA actively promotes Contractor telework
 - GSA's issued critical infrastructure policy that allowed contractors to go to travel to work where applicable
 - GSA accelerated payments to contractors
 - GSA issued a series of FAR and GSAR class deviations to aid contractors
 - These measures have permitted GSA to keep stop work orders or suspension of work orders to a minimum.
- **Assisted Acquisition to follow Policy of Funding Agency:**
 - If the requesting agency has a policy to implement the authority in Section 3610, based upon instruction from the requesting agency, GSA contracting activities shall use the requesting agency's policy, unless the GSA HCA and the requesting agency agree to use GSA's policy.

For more information click [HERE](#)

GSA's Implementation of CARES Act Section 3610 (Cont'd)

- **Assisted Acquisition to follow Policy of Funding Agency:**
 - If the requesting agency does not have a policy implementing Section 3610 authority, but wishes to authorize reimbursement of paid leave, the contracting activity shall follow the guidance in this deviation.
- **Contractors Reimbursed at Lowest Rate for Indefinite Delivery Vehicles (IDVs):**
 - Applies to task orders issued under IDVs
 - Section 3610 specifies use of “minimum applicable contract billing rates”, (e.g. Federal Supply Schedule, GWAC) therefore, rates would not change
 - If the ordering agency negotiated a lower hourly rate, then that lower hourly rate becomes the minimum applicable contract rate for the purpose of this authority

For more information click [HERE](#)



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CONTRACTOR ACTIONS RE COVID-19

Contractor Actions re COVID-19

Personnel

- Contractors with personnel working in Federal facilities should:
 - In accordance with [CDC](#) guidelines, contractor personnel should monitor themselves for fever and remain alert for respiratory symptoms (e.g., cough, shortness of breath, sore throat)
 - Anyone who becomes sick or reports with sick symptoms similar to the COVID-19 coronavirus should leave the facility, notify their supervisor, and contact their healthcare provider for medical guidance.
 - Supervisors must notify their appropriate GSA agency representative and facility manager immediately, so steps can be taken to clean and disinfect that portion of the facility accessed by the infected individual(s) in accordance with [CDC guidance on cleaning](#).



For more information please click [HERE!](#)

Contractor Actions re COVID-19

Personnel

- Follow-on steps will depend on each specific circumstance and the area(s) sick personnel may have occupied in the facility.
- Additional individuals may need to also leave and monitor their health if they could have been exposed.
- Contractors are responsible for replacing any sick personnel, as necessary, to ensure continuity of services.

Contractor Actions re COVID-19

Capability Statements and Product Offerings

- Contractors may register at:
 - [Beta.sam](https://beta.sam.gov)
- Contractors may direct COVID-19 product and service offerings and capability statements to:
 - [GSA Small Business Technical Advisor](#)
 - DHS's Procurement Action Innovative Response Team (PAIR) :
 - DHSIndustryLiaison@hq.dhs.gov



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COVID-19 SMALL BUSINESS SUPPORT

Small Business Support Resources

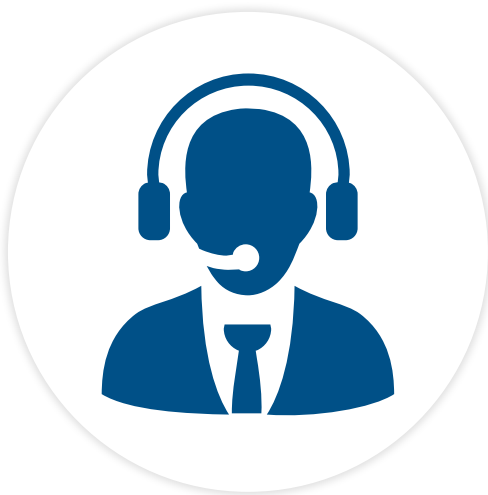
- GSA Small Business Resources:
 - [GSA Office of Small Disadvantaged Business Utilization](#)
 - [GSA List of Small Business Local Support Contacts](#)
- SBA Small Business Resources:
 - [Small Business Association](#)
 - [COVID-19: Small Business Guidance and Loan Resources](#)
 - [Local Assistance including disaster relief](#)



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COVID-19 RESOURCES

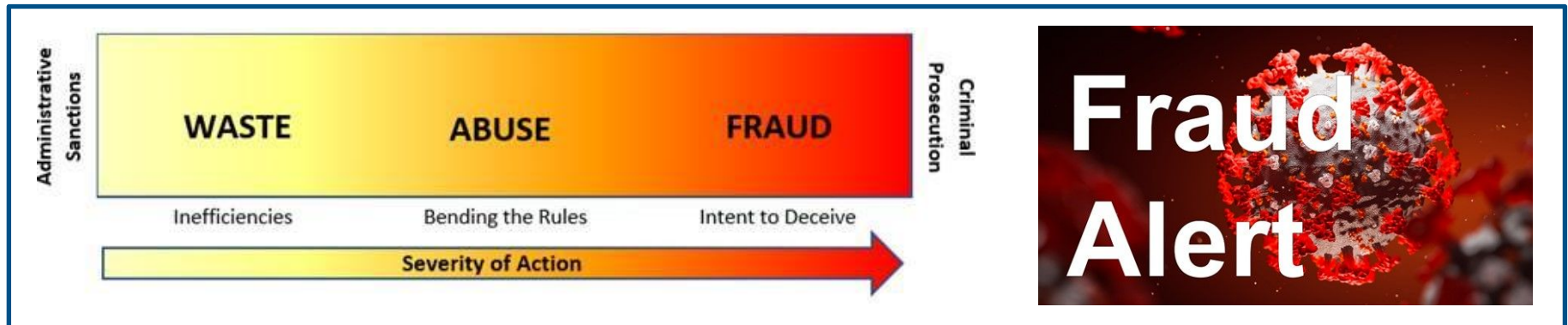
Points of Contact



- GSA POCs
 - Always contact your **Contracting Officer (CO)** or **Contracting Officer Representative (COR)** if they have any questions about your contract.
 - For details regarding GSA's activities in response to COVID-19 visit [GSA.gov](https://www.gsa.gov).
 - Send questions by email to covid19.questions@gsa.gov; or to
 - The GSA Industry Liaison at gsaombudsman@gsa.gov
- Government-wide POCs
 - Visit [Acquisition.gov/coronavirus](https://www.acquisition.gov/coronavirus) for information related to the Federal response to COVID-19
 - Contact a specific [Agency Industry Liaisons](#) for more information!
 - Send general policy questions to OMB at mbx.omb.ofppv2@omb.eop.gov.

Protect Against Fraud, Waste and Abuse

- Be on the Alert for COVID-19 Related Fraud
 - Visit [GSA Interact Fraud and Price Gouging](#) for information related to fraud and price gouging on GSA's Multiple Awards Schedules
- Report fraud, waste and abuse the to GSA Office of Inspector General
 - Visit [GSAIG.GOV](#) to submit reports of fraud, waste, and abuse



List of COVID-19 Related Websites

- GSA Websites

- For GSA Coronavirus-Related General Information and Resources:
 - [GSA.GOV \(COVID-19\) Information](#)
- For GSA Coronavirus-Related Acquisition Policies:
 - [Acquisition Policy Library](#)
- For GSA Small Business Technical Advisors:
 - [Contact information for Small Business Support](#)
- For Vendors Providing Cleaning and Disinfection Services:
 - [COVID-19 Cleaning and Disinfection](#)

List of COVID-19 Related Websites

- Government wide Websites
 - For Federal Government wide Coronavirus-Related General Information and Resources:
 - [Acquisition.gov \(COVID-19\) Information](#)
 - For SBA General Coronavirus-Related Information and Resources:
 - [SBA.gov \(COVID-19\)](#)
 - For SBA Coronavirus-Related Frequently Asked Questions:
 - [SBA COVID-19 FAQs](#)
 - For How to Help FEMA Fight Coronavirus:
 - [FEMA How to Help!](#)
 - For White House Implementation Guidance re COVID-19 Funds:
 - [Implementation Guidance for Supplemental Funding \(COVID-19\)](#)



A black and white photograph of a hand holding a pen, writing the words "Thank you" in a cursive script on a white surface. The pen is positioned at the end of the word "you", and a small shadow is cast by the hand and pen.