

The following feedback is related to the draft Instructions for the DoD Checklist for Contractor Requests for Section 3610 Reimbursement on FAR-based Contracts.

Under the Overarching Themes header the third bullet (as seen below) should be modified to clarify that the contracting officer should equitably and consistently apply the guidelines for reimbursement across all of their contractors and contracts and should not be influenced by other factors. Program/administrative office input on whether they want to fund the COVID-19 PTO is one possible factor. Thus, unrestrained sole discretion could allow agencies to continue selectively awarding Equitable Adjustments based on many factors that vary by contract and contracting officer.

- The authority provided by Section 3610 is a permissive authority and the contracting officer is not required to reimburse any or all of the requested paid leave costs;
- Any reimbursement under Section 3610 is subject to the availability of funds;
- The contracting officer has sole discretion to make decisions on a contractor's affected status and the amount of any Section 3610 reimbursement;

Thanks, Tina

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