



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC

OFFICE OF THE ASSISTANT SECRETARY

21 March 2020

MEMORANDUM FOR AF Senior Contracting Officials

FROM: SAF/AQC

SUBJECT: Department of the Air Force Mission Essential Activities during COVID-19

The purpose of this memorandum is to provide supplemental guidance to attached OUSD(A&S) 20 Mar 2020 memo on the continuation of mission essential contractor activities on installation support contracts. Air Force officials must take all protective measures prescribed by the Center for Disease Control to protect their workforce and their families while also complying with local laws.

Contracting Officers should seek direction from Wing Commanders or their civilian equivalent regarding which installation support contracts these leaders determine to be mission-essential. Regarding services contracts, contracting officer should review Continuation of Essential Contractor Services regulations found at DFARS 237.7602 for the purpose of determining whether they should modify currently active contracts for inclusion of FAR clause 52.237-3, Continuity of Services or DFARS clause 252.237-7023, Continuation of Essential Contractor Services. On 5 March 2020, OUSD(A&S)/DPC issued a memorandum reminding Contracting Officers to use DFARS 252.237-7023 in all contracts for services in support of mission-essential functions. A current list of active AF contracts containing the essential services clause is attached.

The Department of Homeland Security (DHS) considers our Defense Industrial Base (DIB) part of the nation's critical infrastructure. In the Coronavirus Guidelines for America: the President stated "[i]f you work in a Critical Infrastructure Industry, as defined by DHS...you have a special responsibility to maintain your normal work schedule". This guidance also specifies that the ten-person gathering restriction only applies to "social gatherings", not work-related activities, especially those critical to national security. Consequently, depending upon their particular facts and circumstances, activities performed on Department of the Air Force contracts may be considered mission essential and necessary for continuation as part of our nation's critical infrastructure.

In accordance with DFARS 237.7602(a), it is the Wing Commander or civilian equivalent of the requiring activity who determines if a service is mission essential. Senior Contracting Officials will work with Wing Commanders and requirement owners to validate the need for continuation of services. If the appropriate clause(s) are not included in the contract, the contracting officers will work with the contractor to modify the contract, as necessary.

If contractor performance for a mission essential contract may be impacted by a local shelter-in place order, The Wing Commander or civilian equivalent may use the attached template to provide a mission essential determination letter to the contractor to present to local authorities.

Contracting Officers must address performance issues, which arise from COVID-19. As a reminder, some typical applicable clauses are as listed below:

- a. FAR 52.212-4, Contract Terms and Conditions - Commercial Items
- b. FAR 52.242-14, Suspension of Work
- c. FAR 52.242-15, Stop-Work Order
- d. FAR 52.242-17, Government Delay of Work
- e. FAR 52.249-8, Default (Fixed-Price Supply and Service)
- f. FAR 52.249-9, Default (Fixed-Price Research and Development)
- g. FAR 52.249-10, Default (Fixed-Price Construction)
- h. FAR 52.249-14, Excusable Delays

Continuous communication between customers, Wing Commanders, requirements owners, contractors and local leaders is critical to ensuring our current and future national security remains strong during this time of crisis.

For questions or concerns please contact Gerri Frye, gerril.l.frye.civ@mail.mil, (571) 256-2367.

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Attachments
As stated