

Industry Forum
Presented 16 June 2020

Question Asked	Answer
<p>We have been trying unsuccessfully for since mid-May to seek a change to our Contract under the CARES act. Due to the base closure, our employees have been unable to perform their duties due to the current restrictions and facility closure associated with COVID-19. However, no one in Contracts will respond to multiple phone calls or emails to seek guidance. Does the contract need to be modified recognizing the CARES act or should we submit a claim in accordance Section 3610? Any guidance is appreciated.</p>	<p>If the Procuring Contracting Officer (PCO) for the contract continues to not respond, recommend either contacting leadership at the base (as listed in the COVID-19 Industry presentation) or the Ombudsman listed in AFFARS clause 5352.201-9101 of your contract.</p>
<p>Can you repeat where the slides and Q&A's will be posted? Thank you.</p>	<p>https://www.afsc.af.mil/Units/SBO.aspx</p>
<p>Can you define "Fixed debts"?</p>	<p>Fixed debt is a permanent debt, or at least a debt continuing for an extended period, such as a mortgage or a loan.</p>
<p>1. We perform work under the Air Force Repair Enhancement Program...If a unit uses their GPC is a BPA required? 2. Reference the SAR process, I had heard there was an on-line submission process in works...Can you confirm or deny?</p>	<p>1. A BPA, or other pre-priced contract vehicle, like an IDIQ, is required on the GPC for anything above the Micro-purchase threshold (\$10K for commodities; \$2.5K for services, \$2K for construction). The Air Force Repair Enhancement Program is not a program that we are familiar with and would recommend that the questioner reach out to the cognizant CO for that specific topic.</p> <p>2. The statement listed below is on the AFSC/SB Webpage and SASPO Webpage...Please visit the AFSC/SB Website at https://www.afsc.af.mil/Units/SBO.aspx for details. Note, you can access the SASPO website via the AFSC/SB Website.</p> <p>**NOTICE** After 31 July 2020, SAR packages for Propulsion must use the format in <u>MQR-PSD-1 Rev 2 (29 Oct 2019)</u> and <u>RQR-PSD-1 Rev 3 (28 Jan 2020)</u> The format found in previous versions of MQR-PSD-1</p>

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	<p>Rev 1 and RQR-PSD-1 Rev 2 will no longer be accepted after 31 July 2020. ***ATTENTION SAR PACKAGE SUBMITTING***</p> <p>Due to COVID-19 and the increase in teleworking (social distancing) we ask that all SAR packages be temporarily submitted electronically through https://safe.apps.mil/. DoD safe is safe option for large files. If you have a PKI certificate you can send directly, if you do not then send a request to jenise.lucero.1.ctr@us.af.mil and lisa.turner.5@us.af.mil and include your email address and "request a drop off". A "request for drop off" will be returned, use this to submit your SAR package. Thank you for your patience and understanding during this difficult time.</p>
<p>In relation to "Prompt Evaluation of Payment Requests", is there a new time-frame in which evaluation of payment requests need to be completed within? What occurs if evaluation of payment requests exceed that time-frame? Is this specific to any one area or type of payment type?</p>	<p>In accordance with DFARS 232.007, DoD policy is to make financing payments as quickly as possible. Generally, the contracting officer shall insert the standard due dates of 7 days for progress payments and 14 days for performance based payments and interim payments on cost-type contracts.</p>
<p>We are a small business and have had the progress payments added to both our current contracts. Please note; they are both FFP contracts and not subject to CAS however it appears that our accounting system is still being held to the same standards which were not required previously. I have been working with DCAA on our pre-award audit for nearly 6 weeks and still unable to be at a point at which we can process a progress payment for prepay requirements of parts. Is there anything being done to expedite or</p>	<p>This issue has been elevated to DPC for further clarification and guidance.</p>

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<p>accommodate these types of scenarios?</p>	
<p>I was approved for an EIDL but the amount was only \$150k. When i inquired, our local office is stating that amounts were capped at the \$150k. Do you have any insight as to whether the govt/SBA will consider increasing the maximum loan amount to the \$2M? And if so, what is the process to request an appeal to obtain additional funding?</p>	<p>Small businesses can contact the SBA Disaster Assistance Customer Service Center at 1-800-659-2955 (TTY: 1-800-877-8339), or by e-mail at disastercustomerservice@sba.gov, to make inquires regarding a specific situation.</p>
<p>At what level are micropurchases approved? Who makes the decision to purchase at that level?</p>	<p>Relative to COVID-19, the SCOs have delegated the approval to COCOs. If it is on a credit card, not all COs have a GPC card to utilize. Please reach out directly to the contracting officer or cardholder.</p>
<p>Follow-up to micropurchase question: for example, if someone on base wants to purchase \$20,000 in supplies or services, how do they proceed? Are they able to do that on a credit card? Thx!</p>	<p>Yes, that can be done on a credit card, assuming they have the proper approval from the A/OPC that the purchase falls under the purview of emergency procedures if it is related to COVID-19.</p>
<p>Will FMS contractors be provided authorization to buy from federal supply sources via FAR 51.1 so that they may broaden their sub contractor pool and lower pricing?</p>	<p>FAR 51.101 states if it is in the Government's interests and if supplies or services required in the performance of a Government contract are available from Government supply sources, contracting officer may authorize contractors to use these sources. Refer to FAR 51.101 (a) and the cognizant contracting officer for more information.</p>
<p>We've made deliveries to locations that do not have scientific staff on site to perform technical acceptance. We cannot invoice until acceptance has been performed. Can we bill for progress payment?</p>	<p>Yes, acceptance is required before progress payments can be paid. Please contact your cognizant Administrative Contracting Officer for resolution.</p>
<p>Follow up question: Will the USG pull in future demand to enable steady work at Small business shops, ie FY21 and 22 demand?</p>	<p>Demand is dependent on customer's needs. New requirements are unknown at this time for out-year work.</p>

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<p>May we invoice now for costs we incurred to keep our work force in a ready state? Certain employees working at the Air Force Bases were "on-call" for a number of weeks. We understand that we cannot bill fee for these hours, and that hours are limited to 40 hours per week, but we have been holding the time in a separate holding account and waiting for PCO direction to permit invoicing. Is this correct? Do we need to wait for specific direction from our PCO or may we proceed with invoicing?</p>	<p>These costs need to first be submitted to the PCO as part of a request for equitable adjustment (REA). The PCO will then determine if these costs are allowable under Section 3610 of the CARES Act. Once that determination is made, the contract will be modified, if necessary, and you should be able to invoice. Recommend not submitting an invoice without prior coordination with the PCO to ensure it is not rejected.</p>
<p>Follow up question from the response. Agree the contract should be modified, but modified to say what? Is it simply adding the DFARS Class Deviation 2020-00013 to the contract? Or is there something else that specifically needs to be added to the contract to allow for invoicing. Also, what is the status of the draft Implementation Guidance that was issued in May? My understanding is that industry was invited to comment. Was the draft Implementation Guidance modified? (the DoD checklist for Submission of Section 3610 Reimbursement Requests).</p>	<p>The type of modification required will depend on how your contract is structured. A modification may be required to add a CLIN for reimbursement under Section 3610 of the CARES Act or to add the required funding. Recommend working with your PCO to make this decision.</p> <p>The comments provided on the draft implementation guidance issued in May are still being reviewed by DPC. Once that is complete, additional guidance will be given. DPC guidance is available at https://www.acq.osd.mil/dpap/pacc/cc/COVID-19.html</p>
<p>Vendors state that they are putting DPAS rated orders before our unrated order. If they DPAS rated orders are not for medical supplies what recourse do we have?</p>	<p>FAR 11.603(a) states "All DO rated orders have equal priority with each other and take preference over unrated orders. All DX rated orders have equal priority with each other and take preference over DO rated and unrated orders.</p>
<p>Does any funds available to the agency include prior year funds still on the contract due to an underrun on a CPIF contract?</p>	<p>The answer depends on the period of availability for those funds. Both the CARES Act and its implementation guidance from Defense Pricing and Contracting, Office of the Under Secretary of Defense (Acquisition & Sustainment) require use of funds "legally available for use under a contract." Availability is determined by the three elements of the bona fide needs rule: purpose, time and amount. The question asks</p>

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	<p>about prior year funds “still on the contract,” meaning they were properly obligated in the past, satisfying purpose and amount. With respect to time, 31 U.S.C. § 1502(a) states that the balance of a fixed-term appropriation is available only for payment of expenses properly incurred during the period of availability. Section 3610 is expressly limited to reimbursing costs incurred between January 31, 2020 and September 30, 2020. In the context of prior year funds, these dates mean only those whose period of availability also includes fiscal year 2020 (i.e., unexpired multiyear appropriations) can satisfy the time element of the bona fide needs rule and be considered “legally available” for Section 3610 reimbursements.</p>
<p>Is there going to be a separate appropriation for COVID costs?</p>	<p>We are not aware whether there will be separate appropriations for COVID costs other than that already approved by Congress.</p>