



**USAID**  
FROM THE AMERICAN PEOPLE

**U.S. Agency for International Development  
Bureau for Management Office of Acquisition and Assistance  
COVID-19 Implementing Partner Guidance  
Frequently Asked Questions**

*Published on 3.27.2020*

**Question Index**

1. [General Questions](#)
2. [Funding Opportunities](#)
3. [Communications](#)
4. [Award Administration](#)
5. [Allowable Costs](#)
6. [Authorized Departures/Evacuations](#)
  - a. [Guidance for Contractor Staff](#)
  - b. [Guidance for Grant and Cooperative Agreement Staff](#)
7. [Teleworking](#) and Leave
8. [Audits](#)
9. [Office of Management and Budget \(OMB\) Memo M-20-11 and M-20-17](#)

## **I. GENERAL QUESTIONS**

**Question:** Where can partners receive updates from USAID on COVID-19?

**USAID Response:** USAID has established a webpage on USAID.gov with guidance for implementing partners. [You can access it here.](#)

Additionally, USAID will be sending updates out through its A&A Updates email list. You can subscribe to the [email list here.](#)

**Question:** Will there be a hotline or email for COVID-19 questions for project implementation, contracts or other operational issues?

**USAID Response:** Please continue to use the COVID-19 email address - [TF2020-COVID19@usaid.gov](mailto:TF2020-COVID19@usaid.gov) - for general questions. Questions specifically related to your award should be directed to your Contracting/Agreement Officer (CO/AO) and Contracting/Agreement Officer Representative (COR/AOR).

**Question:** What guidance and information is being shared with Contracting and Agreement Officers (CO/AOs) on COVID-19?

**USAID Response:** M/OAA management conducts regular teleconferences with the Acquisition and Assistance (A&A) staff to transmit information and guidance regarding the COVID-19 response. In addition, when guidance, such as FAQs, are shared with partners they are also shared with our A&A workforce.

**Question:** Is USAID prepared to continue timely approval, processing, and payment of contractor invoices in case of agency wide remote work status?

**USAID Response:** At this time, the Agency is open with maximum telework flexibilities. Staff are providing timely approvals, processing, and payments for contractors.

**Question:** Is USAID prepared to use its existing portfolio of infectious and vector-borne disease programs, including those designed for TB, HIV/AIDS, and Zika, to respond to COVID-19 preparedness and response efforts?

**USAID Response:** USAID is considering such programs and any other programs that would be responsive to COVID-19. The Agency will not only include existing partners with our existing programs, but potentially new partners.

**Question:** Considering COVID 19, will USAID/Washington or Missions be issuing guidance to partners with regard to solicitations and also implementation under existing awards?

**USAID Response:** The potential impacts to new/current solicitations and existing programs will be continually assessed. There are no overarching decisions at this time. Any impacts on ongoing solicitations will be addressed by the cognizant COs/AOs on a case-by-case basis depending on the urgency of the program. If partners anticipate, or are experiencing, disruptions to the implementation of a USAID-funded program, whether because of health/safety issues, quarantine actions, travel restrictions, or logistical concerns (such as supply-chain interruptions), they should inform their COR(s)/AOR(s), who will then consult with the cognizant CO(s)/AO(s) and provide guidance. In the event any USAID implementing partner (whether under a contract, cooperative agreement, or grant) needs to modify or suspend the implementation of a previously agreed-to work plan, it must first notify its COR/AOR, who, in turn, will coordinate with the cognizant CO/AO for approval.

**Question:** Missions would find the Emergency Declaration, Emergency Procurement Flexibilities, and New National Interest Action Code for COVID-19 2020 useful. Will the USAID Administrator need to make a determination per Federal Acquisition Regulations (FAR) 18.202 and, ultimately, determines the extent of the threshold increase?

**Answer:** USAID cannot rely on FAR part 18.2 for its overseas activities. FAR part 18.2 provides for the use of higher micro-purchase threshold (MPT) and simplified acquisition threshold (SAT) under multiple specific authorities. One of these authorities supports response to an emergency or major disaster under Federal Emergency Management Agency's (FEMA) domestic disaster authority (the Stafford Act) is implemented through a national emergency declaration and is monitored by the use of a dedicated National Interest Action (NIA) code. The emergency declaration and its NIA code for COVID-19 have been recently announced by the Office of Federal Procurement Policy (OFPP) and shared within the Acquisition and Assistance (A&A) community. USAID may only be able to rely on this authority if tasked by FEMA to support domestic emergency response.

Another authority in FAR 18.2 supports the Office of Foreign Disaster Assistance (OFDA) International Disaster Assistance (IDA) provided pursuant to section 491 of the Foreign Assistance Act. The use of this authority is limited to IDA-funded awards. We are finalizing the CO guidance, including the necessary determinations that will allow for a more streamlined use of the higher threshold for awards using IDA-funds.

**Question:** Will USAID consider doing an online Reverse Industry Day in light of COVID-19 uncertainty re: holding in-person meetings?

**USAID Response:** Yes, USAID will look into the possibility of holding a reverse industry day virtually. We are currently planning for an event in mid-May and will reevaluate the timing and approach as the event date moves closer.

**Question:** For those who are working from home or are out of the office, can USAID staff leave a voice message or email message how to receive assistance?

**USAID Response:** All USAID staff should be available by email/phone while they are working from home. In addition, M/OAA has provided guidance to Contracting and Agreement Officers in forwarding their work phones to their cell phones. If someone is out of the office, they should have the out of office message on as is the case during normal circumstances.

If you are experiencing issues getting through to USAID staff, you can contact us at [IndustryLiaison@usaid.gov](mailto:IndustryLiaison@usaid.gov).

**Question:** Is there an expected release date for the Administrator's Expedited Procedures Package (EPP) for infectious disease outbreaks?

**USAID Response:** The EPP was approved by the Administrator on Tuesday, March 24th. The EPP is intended to enhance USAID's ability to address the rapidly changing circumstances of the current outbreak of COVID-19.

The memo approves:

1. The use of other than full-and-open competition in the award or modification of contracts (see Tab 1 for details).

2. The use of restricted eligibility for competition in the award or amendment of assistance instruments (see Tab 2 for details).

3. A general source-and-nationality waiver to permit the procurement of goods and services, including medicines and restricted commodities, from Geographic Code 935 (any area or country, but excluding prohibited sources) (see Tab 3 for details).

**Question:** How are USAID help desks and resources (e.g., Development Experience Clearinghouse, Management Bureau's Chief Information Officer (M/CIO), Finance, Legislative and Public Affairs (LPA), etc) that provide support services or contract/grant approvals to implementers currently impacted?

**USAID Response:** Staff based in Washington have moved to telework; however they are still online and available to provide assistance as needed.

**Question:** Regarding independent contractors – do they apply for a tax credit if they have to take leave from their paid jobs? Is there anything we as the prime contractor can do to support them in this?

**USAID Response:** Independent contractors/consultants should seek advice from their tax professional on these types of questions.

**Question:** USAID recognizes that if the outbreak of COVID-19 results in staff being temporarily unable to report to work, it could be prudent to maintain readiness—that is, continue to incur operating costs—to restart activities immediately if circumstances or instructions change. We will want to assure staff (direct and indirect charge) that they have a

job when they are asked or forced to take leave. Do we have assurance to continue to charge all staffing-related charges? "

**USAID Response:** For assistance, pursuant to OMB Memorandum M-20-17 recipients may continue to charge salaries and benefits to currently active Federal awards consistent with the recipients' policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. Prior to incurring such costs recipients must notify the AO and AOR of these costs. Recipients must maintain appropriate records and cost documentation as required by 2 CFR § 200.302 - Financial management and 2 CFR § 200.333 - Retention requirement of records to substantiate the charging of any salaries and other project activities costs related to interruption of operations or services. In no circumstance can costs exceed the amount obligated in the award. The agency will not reimburse any such costs. Recipients must ensure that all costs associated with any potential repatriation, termination and close-out costs are budgeted and available within the obligated amount of the award.

Pursuant to OMB Memo M-20-18, contractors must contact their CO for approval of such costs on a case-by-case basis, taking into account, among other factors, whether the requested costs would be allowable and reasonable to protect the health and safety of contract employees as part of the performance of the contract. The standard for what is "reasonable," according to FAR § 31.201-3, is what a prudent person would do under the circumstances prevailing at the time the decision was made to incur the cost (e.g., did the contractor take actions consistent with CDC guidance; did the contractor contact the contracting officer or the contracting officer representative to discuss appropriate actions).

COs should take into consideration whether it is beneficial to keep skilled professionals or key personnel in a mobile ready state for activities the agency deems critical to national security or other high priorities (e.g., national security professionals, skilled scientists). COs should also consider whether contracts that possess capabilities for addressing impending requirements such as security, logistics, or other function may be retooled for pandemic response consistent with the scope of the contract. A number of contract clauses may be helpful in managing COVID-19 issues as they arise. COs have the authority to make changes as necessary to the contract using the appropriate changes clause that applies to the contract (see FAR clauses 52.243-1 through 52.243-3 or clause 52.212-4(c)). If necessary, generally after considering other alternatives, they may suspend or stop performance through clause 52.242-14, Suspension of Work, and clause 52.242-15, Stop Work Order.

## **2. FUNDING OPPORTUNITIES**

**Question:** There are several live RFPs and RFAs, does USAID anticipate continuing with these programs? Should we be investing time and effort on these RFPs and RFAs if they are going to be cancelled?

**USAID Response:** We are reminding Contracting/Agreement Officers of items and dates on the Business Forecast, and requesting them to revise dates accordingly. We hope this will assist in clarifying status and reduce potential questions. However, should questions remain, potential offerors should contact the POC for the particular solicitations to find out if there are any delays or planned cancellations of solicitations.

**Question:** Will USAID continue to make new awards?

**USAID Response:** Priority will be given to making new awards or modifying existing awards associated with COVID-19. As this priority is being met, USAID will continue to make new awards; however, projected dates in the business forecast may be impacted. We are encouraging staff to keep the forecast updated.

**Question:** Does USAID anticipate a shift in its funding to prioritize COVID-response and how will it impact current opportunities on the forecast?

**USAID Response:** An Expedited Procedures Package for Infectious Diseases was signed by the Administrator on March 24, 2020. This is intended to provide streamlined authorities and procedures for the COVID-19 response and other diseases to give the Agency additional speed and flexibilities to adjust existing programs or expedite new ones to combat the challenges before us. In addition, the Agency has also made greater use of adaptive partnering as part of reforms these last two years with Shock Responses and Crises Modifiers.

**Question:** Will USAID consider paying proposal costs for awards cancelled or significantly delayed due to the COVID-19 pandemic?

**USAID Response:** FAR 31.205-18 addresses bid and proposal costs stating, "...costs for independent research and development (IR&D) and business proposals are allowable as indirect expenses on contracts to the extent that those costs are allocable and reasonable." Proposal costs are not allowable as a direct charge to the Agency.

**Question:** How does USAID envision the current COVID-19 pandemic will affect the pace of solicitations and awards?

**USAID Response:** The business forecast will be updated as soon as information is available, and solicitations/awards directly relating to COVID-19 will be prioritized.

**Question:** If COVID-19 prevents the Agency from having face-to-face co-creation meetings, will the procurement move to a more traditional RFI followed by full and open competition, will USAID simply delay the procurement schedule, or will they employ some other remedy?

**USAID Response:** Staff are receiving training on conducting virtual co-creation meetings; please reach out to your point of contact (POC) for the particular opportunity. The specific nature of adjustments to areas such as co-creation workshops, oral presentations, and other in-person collaborative approaches will be made by Missions, and Washington Bureaus and

*Published on 3.27.2020*

Operating Units. There are ways to effectively use virtual and remote technologies to try to overcome the travel and group size challenges we are facing at this time, but there may be situations where another approach will be needed. The M/CIO continues to monitor and provide information technology (IT) assistance across the Agency to ensure the most effective use of remote and virtual technologies.

**Question:** For solicitations that are currently released, how do offerors/applicants ensure receipt of proposals/applications if Mission staff are evacuated or USG closes operations?

**USAID Response:** If you are sending your proposal/application other than through electronic means, we recommend reaching out to the POC for the solicitation. Staff will be teleworking and should be responsive. If you are experiencing issues getting through to USAID staff, you can contact us at [IndustryLiaison@usaid.gov](mailto:IndustryLiaison@usaid.gov).

### **3. COMMUNICATIONS**

**Question:** What is USAID's expectation regarding communications around COVID-19 related assistance?

**USAID Response:** USAID is responding to the COVID-19 pandemic with decisive action abroad, continuing our life-saving mission across the world, and supporting partner countries in their response to COVID-19. Communications are critical in this time, both as part of programming (such as risk communications) and public affairs (to show American leadership in the response). Like all our assistance, COVID-19 related assistance should be branded and positioned to let host-country audiences know it is "from the American people," and branding will be under heavier scrutiny than usual.

**Question:** Are there special branding and marking authorities for COVID-19 related assistance?

**USAID Response:** COVID-19 related assistance is subject to the same authorities as all other USAID assistance, codified in the Automated Directives System (ADS) section 320 on branding and marking. However, USAID will scrutinize all requests for waivers and exemptions, and USAID reserves the right to make future funding decisions based on a potential partner's willingness to brand.

**Question:** Do existing waivers and exemptions for branding and marking apply to similar Covid-19 related assistance?

**USAID Response:** Due to the heightened scrutiny on COVID-19 related assistance, branding and marking waivers and exemptions should not be assumed to apply automatically. Requests for waivers and exemptions must be requested and will be evaluated on a case-by-case basis.

**Question:** Do partners need to clear COVID-19-related program communications with USAID?

**USAID Response:** Maybe. USAID understands communications are essential parts of health and humanitarian programming. If a program includes communications activities, these do not need to be cleared with USAID unless specified in the contract or grant agreement.

#### **4. AWARD ADMINISTRATION**

**Question:** Will USAID tolerate slower mobilization on new awards because of the global travel restrictions and other limitations related to the coronavirus?

**USAID Response:** Contractors and Recipients must be in contact with the CO/AO and COR/AOR if there are any delays in mobilization. This has to be handled on a case-by-case basis.

**Question:** Please clarify how we should deal with partners who have an FAA subgrant, and need to continue to pay staff, though they won't be able to complete their deliverables on time.

**USAID Response:** Recipients need to contact their AO if they need the milestones revised.

**Question:** Given the possibility that USAID award recipients may lose funding from other sources (e.g., due to redirection of funds toward the emergency response or private donors rescinding funding due to an economic crisis), could USAID consider relaxing cost share requirements on current awards?

**USAID Response:** Recipients must consult with the cognizant Agreement Officers as this will have to be negotiated on a case-by-case basis.

**Question:** What is the Agency doing to ensure uniformity across Agreement Officer Representatives (AOR)/Contracting Officer Representatives (COR) in their handling of requests for no-cost extensions, pre-approval of certain COVID-19 related costs, and the like? While we appreciate that blanket approvals may be difficult, the case-by-case approach will also create discrepancies in approach for organizations dealing with multiple USAID-funded programs and/or other donor-funded programs. Please clarify what is being done to address this.

**USAID Response:** M/OAA management has regularly scheduled teleconferences with A&A staff to discuss common approaches for consistency as much as possible.

For Assistance awards, AOs and AORs have been informed about the flexibilities in OMB Memo M-20-17. Prior to incurring such costs recipients must notify the AO and AOR of these costs. Recipients must maintain appropriate records and cost documentation as required by 2 CFR § 200.302 - Financial management and 2 CFR § 200.333 - Retention requirement of records to substantiate the charging of any salaries and other project activities costs related to interruption of operations or services." In no circumstance can costs exceed the amount obligated in the award. The agency will not reimburse any such costs. Recipients must ensure that all costs associated with any potential repatriation, termination and close-out costs are budgeted and available within the obligated amount of the award.

For contracts, USAID also embraces flexibility, and will consider providing extensions to performance dates if telework or other flexible work solutions, such as virtual work environments, are not possible, or if a contractor is unable to perform in a timely manner due to quarantining, social distancing, or other COVID-19 related interruptions. Contractors must also communicate with the cognizant Contracting Officers on a case-by-case basis. .

**Question:** Most of the guidance reminds implementers of the rules and how they apply in this situation and eases some administrative and reporting requirements. The AO/CO community needs as broad a mandate as possible to make decisions. The guidance allows salaries and other operational costs to be charged to the award in order to allow rapid start up. As revenues are affected by the crisis, what is likely to be the degree of flexibility for redirecting funds from indirect line items to direct costs?

**USAID Response:** Any redistribution of costs from indirect to direct must be consistent with the recipient's accounting system, methods, and procedures, and the cost principles of 2 CFR 200 and FAR Part 31, as applicable.

**Question:** Will there be any flexibility in quarterly reporting and support in PMS or should this be coordinated with the AOR/COR?

**USAID Response:** Contractors should contact their CO for relief regarding excusable delays, per FAR clause 52.249-14, including any extensions of the period of performance of the contract. For Assistance, requirements for reporting are found in 2 CFR 200. See OMB Memo M-20-17 for flexibilities on reporting during the 90 period of the COVID-19 response. Recipients should also consult 2 CFR 200.328 on reporting.

**Question:** In light of projected changes in work plans, how shall implementers adjust targets, especially in awards with performance accountability measures? Generally, how will performance-based programming be altered? Programming teams fear that diverting attention to COVID19 planning will mean that they're not solely focused on hitting targets and thus in danger of being on a performance improvement plan or losing funding. "

**USAID Response:** Contractors and Recipients must inform their cognizant CO/AO of any potential delays in performance as far in advance as possible.

For Assistance awards, See OMB Memorandum M-20-17 for flexibility on reporting during the 90 day COVID-19 response period, and 2 CFR 200.328 for adverse conditions that will materially impair the ability to meet objectives of the Federal award. Changes in work plans and other performance accountability measures will be handled on a case-by-case basis. Consult with the cognizant AOR, AO, or POC.

For Acquisition awards, Government contracts provide for excusable delays, which may involve extensions to awards resulting from quarantine restrictions due to exposure to COVID-19.

**Question:** If partners anticipate, or are experiencing, disruptions to the implementation of a USAID-funded program, whether because of health/safety issues, quarantine actions, travel restrictions, or logistical concerns (such as supply-chain interruptions), they should inform their COR(s)/AOR(s), who will then consult with the cognizant CO(s)/AO(s) and provide guidance.

**USAID Response:** If contractors or recipients anticipate delays they should contact either the COR/AOR or the CO/AO.

**Question:** At what stage will alternate implementation scenarios and due dates for deliverables be considered due to potential implementation/program delays?

**USAID Response:** Implementing partners should prepare now for alternate implementation scenarios and due dates for deliverables. Contractors may refer to the applicable FAR clause 52.249-14 for particular delays including scheduling. For assistance, refer to 2 CFR 200.328 on reporting delays and any assistance needed to resolve the issue. Consistent with OMB Memorandum M-20-17, the AO may extend awards which were active as of March 31, 2020 and scheduled to expire prior or up to December 31, 2020, at no additional cost for a period of up to twelve (12) months. Recipients need to also engage their AORs and AOs to work through extension durations based on revised work plans. For reports, recipients may delay submission of financial, performance and other reports up to three months beyond the normal due date.

**Question:** Please clarify how a recipient can request an authorization to purchase pharmaceuticals locally from a supplier that has not been vetted by USAID. Of course, the supplier has been vetted by the recipient.

**USAID Response:** A recipient should submit a request for a restricted commodity procurement through its AOR who will then submit a written request to the Global Health Bureau for a quality/efficacy review. The Source/Nationality waiver in the Expedited Procedures Package (EPP) for Responding to Outbreaks of Contagious Infectious Diseases effective as of March 16, 2020 covers the 937 to 935 geographic code change, however, the waiver specifically notes that the ADS 312 restricted commodity approval requirement is still in effect..

**Question:** Recognizing that the context is shifting quickly and will likely lead to programmatic reduced outcomes and impact, will USAID approve modifications to targets and program activities after the crisis is over?

USAID Response: We are cognizant that the current situations may impact program and awards in terms of timelines and associated targets. As you continue to engage COs/AOs and CORs/AORs on those situations, we will also engage and be cognizant of any subsequent adjustments that may be needed.

**Question:** Due to COVID-19 disruptions, would USAID consider approving no-cost extensions for contracts expiring in the coming months?

**USAID Response:** For contracts, USAID embraces flexibility, and will consider providing extensions to performance dates if telework or other flexible work solutions, such as virtual work environments, are not possible, or if a contractor is unable to perform in a timely manner due to quarantining, social distancing, or other COVID-19 related interruptions. Contractors must communicate with the cognizant Contracting Officers on a case-by-case basis.

**Question:** Can USAID provide further specificity regarding its Guidance that operating costs may be necessary to maintain readiness? Does it include, at a minimum, salary and fringe benefits for staff, office rent and other office operating costs, and other contractually obligated costs?

**USAID Response:** Contractors and recipients need to engage with COs/AOs and CORs/AORs under their awards with more specificity on which costs are essential and necessary to maintain readiness.

For Assistance awards, USAID is exercising the additional flexibilities provided by OMB in their Memo M 20-17, to allow Recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis to charge USAID for costs that are necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the program. Prior to incurring such costs recipients must notify the AO and AOR of these costs. In no circumstance can costs exceed the amount obligated in the award. The agency will not reimburse any such costs. Recipients must ensure that all costs associated with any potential repatriation, termination and close-out costs are budgeted and available within the obligated amount of the award. The Recipient must maintain appropriate records and cost documentation as required in 2 CFR § 200.302 - *Financial management* and 2 CFR § 200.333 - *Retention requirement of records*, to substantiate charging of any activity costs related to interruption of operations or services. These exceptions are time limited and will be reassessed by OMB within 90 days of their Memo M-20-17 dated March 19, 2020.

**Question:** Given the understandable requirement for prior approval for any repurposing of funds toward the Coronavirus response, is there an accelerated mechanism to get such

approval? What is the time-frame we can expect? Are there specific guidelines? Is it mission-to-mission, as appears to be the case so far, or are there global recommendations?

**USAID Response:** There are multiple issues regarding repurposing funds. If the funds were earmarked for one purpose, the Agency cannot repurpose without prior Congressional approval. Our budget office is taking this under review. If the funds are within a contract/agreement and can be moved to address a COVID 19 issue, then the CO/AO can make that determination. That will be done on a case by case basis.

**Question:** What are the expectations around drawdown availability, do we anticipate disruptions?

**USAID Response:** The Agency continues to aggressively monitor all system capabilities especially ones in the areas of Management responsibilities. All the Bureau for Management offices such as M/CIO, Chief Financial Officer (M/CFO), and M/OAA are in daily meetings with our leadership to ensure effective system capabilities and processes are maintained.

**Question:** Per the issued guidance, we understand we are to seek USAID approval prior to incurring any additional costs related to COVID-19. However, the situations in countries are rapidly changing each day (and some hour by hour). Considering some requests may require additional time from USAID, would USAID consider blanket approvals for evacuation/return of contractor/recipient staff in accordance with the contractor/recipient's determinations and policies?

**USAID Response:** Under the terms and conditions of USAID contracts, Mission Directors are authorized to determine, for any reason, the necessity of evacuation on a country by country basis. There is currently no plan to issue a blanket determination for all contractors. These determinations have to be made at the Mission level as they are case specific.

Based on existing AIDAR clauses in our awards with contractors, Mission Directors have the authority to authorize departure and make evacuation costs allowable on a country by country basis.

In accordance with AIDAR 752.7002 Travel and Transportation, "When for any reason, the Mission Director determines it is necessary to evacuate the Contractor's entire team (employees and dependents) or Contractor dependents only, the Contractor will be reimbursed for travel and transportation expenses and travel allowance while en route, for the cost of the individuals going from post of duty in the Cooperating Country to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other approved location. The return of such employees and dependents may also be authorized by the Mission Director when, in his/her discretion, he/she determines it is prudent to do so."

COs will work with contractors regarding more specific allowability of costs for evacuation costs on a case-by-case basis in accordance with the above clause, as well as AIDAR 752.7028 Differential and Allowance.

**Question:** Would the Agency consider providing regulatory relief such as an extension for various reporting deadlines (incurred cost, VAT reporting, subcontractor reporting, etc) that's likely a FAR Council matter?

**USAID Response:** Contractors should contact their CO for relief regarding excusable delays, per FAR clause 52.249-14, including any extensions of the period of performance of the contract. For Assistance, requirements for reporting are found in 2 CFR 200. See OMB Memo M-20-17 for flexibilities on reporting during the 90 period of the COVID-19 response. Recipients should also consult 2 CFR 200.328 on reporting.

**Question:** Would USAID agree to temporarily suspend the M/CIO IT approval requirement as contained under the LIMITATION ON ACQUISITION OF INFORMATION TECHNOLOGY clause that is included in many of our contracts? As more projects move to telework arrangements it is likely the unforeseen, but critical, IT software and equipment procurement may be needed. As such, it will be critical that projects are able to immediately purchase such items.

**USAID Response:** USAID is preparing a class deviation to the IT approval special contract requirements as issued under Acquisition and Assistance Policy Directive (AAPD) 16-02R for contracts supporting COVID activities, and will advise contractors .

**Question:** Should Implementing Partners create a new leave type to track the leave we grant to employees so that we can get a credit via our social security tax for the cost of these benefits – correct? Any other guidance?

**USAID Response:** USAID does not have any Agency specific guidance on this. Implementing partners should consult with their attorneys or accountants on this question.

**Question:** What sort of flexibility will there be on activity timelines and continuing to incur grant costs for non COVID-related USAID projects? Different countries are imposing different degrees of office closures, restricting gatherings, and closing air space. This will lead to activity delays for ongoing USAID-funded humanitarian and development programs. Can implementing organizations still charge staff, operating costs, and overhead and what sort of flexibility will there be for delays?

**USAID Response:** Recipients must inform their cognizant Agreement Officer and their cognizant Agreement Officer's Representative when COVID-19 related problems, delays, or adverse conditions occur which will materially impair the ability to meet the award objectives. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation. See 2 CFR 200.308 and 2 CFR 200.328.

USAID is exercising the additional flexibilities provided by OMB in their Memo M 20-17, to allow recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis to charge USAID for costs that are necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the program. Prior to incurring such costs recipients must notify the AO and AOR of these costs. In no circumstance can costs exceed the amount obligated in the award. The agency will not reimburse any such costs. Recipients must ensure that all costs associated with any potential repatriation, termination and close-out costs are budgeted and available within the obligated amount of the award. The Recipient must maintain appropriate records and cost documentation as required in 2 CFR § 200.302 - *Financial management* and 2 CFR § 200.333 - *Retention requirement of records*, to substantiate charging of any activity costs related to interruption of operations or services. These exceptions are time limited and will be reassessed by OMB within 90 days of their Memo M-20-17 dated March 19, 2020.

**Question:** Use of non-US flag routings for Surface/Ocean shipments requires determination of non-availability from the USAID Transportation Division per Automated Directive System (ADS) 315. Temporarily lifting the requirement to ship cargo on US Flag carriers would ensure that shipments can proceed in a timely fashion and also help contain costs.

**USAID Response:** The requirements are based on the Cargo Preference statute and cannot be unilaterally waived. If the shipment is determined to be an emergency, the requirements are to be forwarded to M/OAA Transportation for review and determination of non-availability. They can be contacted at [oceantransportation@usaid.gov](mailto:oceantransportation@usaid.gov).

## 5. ALLOWABLE COSTS

**Question:** Could M/OAA issue a global uniform guidance on cost allowability and other issues related to implementation under the present conditions that will be applied as a matter of policy by all COs/AOs rather than making case-by-case decisions? Such repetitive and duplicative actions will divert significant IP and USAID resources from dealing with urgent matters.

**USAID Response:** M/OAA is issuing corporate level guidance to the maximum extent possible. Not all costs allowability and other issues can be answered at an agency-wide level.

**Question:** If an implementing partner needs to suspend operations in whole or in part due to COVID-19, and some staff are no longer able to discharge their duties, can an implementing partner continue to pay such employees, even if they are not working?

**USAID Response:** For assistance USAID is exercising the additional flexibilities provided by OMB in their Memo M 20-17, to allow recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis to charge salaries and benefits to currently active USAID awards consistent with the recipients' policy of paying salaries (under unexpected

or extraordinary circumstances) from all funding sources, Federal and non-Federal. Prior to incurring such costs recipients must notify the AO and AOR of these costs. In no circumstance can costs exceed the amount obligated in the award. The agency will not reimburse any such costs. Recipients must ensure that all costs associated with any potential repatriation, termination and close-out costs are budgeted and available within the obligated amount of the award.

**Question:** Are there standard protection measures and costs USAID expects current or new programs to budget for?

**USAID Response:** At the present time, we do not have any specific guidance on standard protection measures and costs that contractors and recipients should budget for under existing or new awards.

**Question:** Field operations can and will be impacted over the coming weeks/months. We will need to keep some business continuity and at the same time, limit on-the-ground activities (training, travel, some construction in some areas, etc.) to be in alignment with local government protocols. We know that there is already advice to consult with COR/AORs, especially if we need to suspend activity temporarily. We also know that we need to maintain staff (i.e. incur costs) so that we can re-start when circumstances change. Given that the operating environment is changing so quickly, what is USAID thinking about coverage of these costs? 30 days? 60 days? 90 days? etc.?"

**USAID Response:** For assistance, pursuant to OMB Memorandum M-20-17 the recipients may continue to charge salaries and benefits to currently active Federal awards consistent with the recipients' policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal." Prior to incurring such costs recipients must notify the AO and AOR of these costs. In no circumstance can costs exceed the amount obligated in the award. The agency will not reimburse any such costs. Recipients must ensure that all costs associated with any potential repatriation, termination and close-out costs are budgeted and available within the obligated amount of the award. Recipients must maintain appropriate records and cost documentation as required by 2 CFR § 200.302 - Financial management and 2 CFR § 200.333 - Retention requirement of records to substantiate the charging of any salaries and other project activities costs related to interruption of operations or services. Per OMB Memorandum M-20-17, COVID-19-related flexibilities are time limited and will be reassessed within 90 days of issuance of that memorandum (March 19, 2020).

Pursuant to OMB Memo M-20-18, contractors must contact their CO for approval of such costs on a case-by-case basis, taking into account, among other factors, whether the requested costs would be allowable and reasonable to protect the health and safety of contract employees as part of the performance of the contract. The standard for what is "reasonable," according to FAR § 31.201-3, is what a prudent person would do under the circumstances prevailing at the time the decision was made to incur the cost (e.g., did the contractor take actions consistent

with CDC guidance; did the contractor contact the contracting officer or the contracting officer representative to discuss appropriate actions).

COs should take into consideration whether it is beneficial to keep skilled professionals or key personnel in a mobile ready state for activities the agency deems critical to national security or other high priorities (e.g. , national security professionals, skilled scientists). COs should also consider whether contracts that possess capabilities for addressing impending requirements such as security, logistics, or other function may be retooled for pandemic response consistent with the scope of the contract. A number of contract clauses may be helpful in managing COVID-19 issues as they arise. COs have the authority to make changes as necessary to the contract using the appropriate changes clause that applies to the contract (see FAR clauses 52.243-1 through 52.243-3 or clause 52.212-4(c)). If necessary, generally after considering other alternatives, they may suspend or stop performance through clause 52.242-14, Suspension of Work, and clause 52.242-15, Stop Work Order.

**Question:** Regarding the allowability of costs related to COVID-19, the guidance states: *“Before incurring any additional costs relating to COVID-19, partners must contact their AOR(s)/COR(s) and AO(s)/CO(s) for approval, when required.”* Since it says to contact USAID for approval, when required, what, if any, costs can be incurred without approval?

**USAID Response:** For those additional costs incurred as a result of COVID-19 that would have a significant impact on the budget, the partner must contact the CO/AO or COR/AOR. Approvals that are normally required under the existing terms and conditions of the contract must still be obtained by the contractor.

**Question:** Will USAID allow remote work for international staff and will evacuation and all related costs be allowable? Will this be agency wide guidance or a mission-by-mission decision?

**USAID Response:** International staff may telework (remote work) in accordance with the contractor’s/recipient’s personnel policies, and in coordination with the COR/AOR.

In accordance with AIDAR 752.7002 Travel and Transportation, "When for any reason, the Mission Director determines it is necessary to evacuate the Contractor's entire team (employees and dependents) or Contractor dependents only, the Contractor will be reimbursed for travel and transportation expenses and travel allowance while en route, for the cost of the individuals going from post of duty in the Cooperating Country to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other approved location. The return of such employees and dependents may also be authorized by the Mission Director when, in his/her discretion, he/she determines it is prudent to do so."

If a Mission Director determines evacuation is necessary, USAID will reimburse a contractor for payments made to employees and authorized dependents evacuated from their post of assignment as if they were eligible to receive the benefits described in Chapter 600 of the

Standardized Regulations (Government Civilians, Foreign Areas), and the Federal Travel Regulation, as from time to time amended.

COs will work with contractors regarding more specific allowability of costs for evacuation costs on a case-by-case basis in accordance with the above clause, as well as AIDAR 752.7028 Differential and Allowance.

**Question:** Since we plan to cancel or postpone most meetings, will there be any issues with billing USAID for "cancellation costs" for participant travel, hotels, venues, etc?

**USAID Response:** For contractors - At this time, USAID would like to emphasize that reasonable costs in relation to safety measures are generally allowable. USAID understands that, as a result of the outbreak, some of our contractors may incur additional implementation costs not originally envisioned, principally related to safety measures and the protection of staff. USAID will consider any additional proposed costs on a case-by-case basis, provided that such costs are "allowable, allocable, and reasonable." The standard for what is "reasonable" is what a prudent person would do under the circumstances that were prevailing at the time the decision was made to incur the cost. See Section 31.201-3 of the Federal Acquisition Regulation.

For Assistance awards USAID is exercising the additional flexibilities provided in OMB Memo M-20-17 to allow recipients who incur costs related to the cancellation of events, travel, or other activities necessary and reasonable for the performance of the award, or the pausing and restarting of grant funded activities due to the public health emergency, to charge these costs to their award without regard to 2 CFR § 200.403, *Factors affecting allowability of costs*, 2 CFR § 200.404, *Reasonable costs*, and 2 CFR § 200.405, *Allocable costs*. USAID will allow recipients to charge full cost of cancellation when the event, travel, or other activities are conducted under the auspices of the grant. Recipients should not assume additional funds will be available should the charging of cancellation or other fees result in a shortage of funds to eventually carry out the event or travel. The recipients must maintain appropriate records and cost documentation as required by 2 CFR § 200.302 - *Financial management* and 2 CFR § 200.333 - *Retention requirement of records*, to substantiate the charging of any cancellation or other fees related to interruption of operations or services. These exceptions are time limited and will be reassessed by OMB within 90 days of their Memo M-20-17 dated March 19, 2020. Recipients must contact their AO for guidance on specific costs. In no circumstance can costs exceed the amount obligated in the award. The agency will not reimburse any such costs. Recipients must ensure that all costs associated with any potential repatriation, termination and close-out costs are budgeted and available within the obligated amount of the award.

**Question:** If an NGO needs to suspend operations in whole or in part due to COVID-19, and some staff are no longer able to discharge their duties, can an implementing partner continue to pay such employees, even if they are not working?

**USAID Response:** USAID is exercising the additional flexibilities provided by OMB in their Memo M 20-17, to allow recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis to charge salaries and benefits to currently active USAID awards consistent with the recipients' policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. USAID will allow other costs to be charged to the awards necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the program. Prior to incurring such costs recipients must notify the AO AOR of these costs. In no circumstance can costs exceed the amount obligated in the award. The agency will not reimburse any such costs. Recipients must ensure that all costs associated with any potential repatriation, termination and close-out costs are budgeted and available within the obligated amount of the award. Awarding agencies may also evaluate the grantee's ability to resume the project activity in the future and the appropriateness of future funding, as done under normal circumstances based on subsequent progress reports and other communications with the grantee. The recipients must maintain appropriate records and cost documentation as required by 2 CFR § 200.302 - *Financial management* and 2 CFR § 200.333 - *Retention requirement of records* to substantiate the charging of any salaries and other project activities costs related to interruption of operations or services. These exceptions are time limited and will be reassessed by OMB within 90 days of their Memo M-20-17 dated March 19, 2020.

**Question:** Would USAID consider allowing contractors to grant additional sick leave and bill it to USAID for those who are unable to work after contracting COVID-19? Should Implementing Partners create a new leave type to track the leave we grant to employees so that we can get credit via our social security tax for the cost of these benefits?

**USAID Response:** Contractors may grant leave to its employees in accordance with the contractor's established personnel policies and procedures. Any changes must be reflected in the contractor's policies and procedures. The organization should account for any paid time off in accordance with their disclosed accounting practice. Contractors should pose any tax questions to their attorneys or accountants. At this time, USAID does not anticipate any blanket determinations regarding cost determination. Reasonable, allowable and allocable costs will be permitted. Costs incurred, that are out of the ordinary, should be justified and documented in writing - the circumstances that support the need for incurring each cost should be recorded, retained by the IP and submitted to the COR. Cost determinations will be made on a case-by-case basis.

**Questions:** Will projects be allowed to use funds to send expats or Third Country Nationals (TCN) home?

**USAID Response:** There are award provisions that address authorized and ordered departures and other emergency travel that can be issued by Missions, and that also provide for consideration of the allowability of such costs. As this time, please engage COs/AOs and CORs/AOR in the individual Missions directly.

**Question:** According to the USAID COVID-19 Guidance, "Before incurring any additional costs relating to COVID-19, partners must contact their AOR(s)/COR(s) and AO(s)/CO(s) for approval, when required." It is unclear what is meant by "when required"- only in cases of prior approval per 2 CFR 200, or in general related to COVID-19? Can USAID provide guidance on the "when required" line in the guidance?

**USAID Response:** Recipients who incur costs related to the cancellation of events, travel, or other activities necessary and reasonable for the performance of the award, or the pausing and restarting of grant funded activities due to the public health emergency, may charge these costs to their award without regard to 2 CFR 200.403, Factors affecting allowability of costs, 2 CFR 200.404, Reasonable costs, and 2 CFR 200.405, Allocable costs. Reasonable costs in relation to safety measures are generally allowable. USAID understands that, as a result of the outbreak, some of our implementing partners might find themselves incurring additional implementation costs not originally envisioned, principally related to safety measures and the protection of staff. Prior to incurring such costs recipients must notify the AO and AOR of these costs. In no circumstance can costs exceed the amount obligated in the award. The agency will not reimburse any such costs. Recipients must ensure that all costs associated with any potential repatriation, termination and close-out costs are budgeted and available within the obligated amount of the award.

USAID will consider any additional proposed costs on a case-by-case basis, provided that such costs are "allowable, allocable, and reasonable."

Recipients must contact their cognizant Agreement Officer when they require any revisions of budget or program plans as a result of additional costs relating to COVID-19.

Prior Approval requirement waivers. (2 CFR §200.407). Pursuant to OMB Memorandum M-20-17, approvals that are normally required under the existing terms and conditions of the award are waived to effectively address the response. All costs charged to the awards must be consistent with Federal cost policy guidelines and the terms of the award, except where specified in the OMB memorandum. These exceptions are time limited and will be reassessed by OMB within 90 days of the OMB Memo dated March 19, 2020.

**Question:** The guidance provided states the following: *USAID will consider any additional proposed costs on a case-by-case basis, provided that such costs are "allowable, allocable, and reasonable." To be allowable, costs must be allocable and reasonable: The standard for what is "reasonable" is what a prudent person would do under the circumstances that were prevailing at the time the decision was made to incur the cost. And later ... Before incurring any additional costs relating to COVID-19, partners must contact their AOR(s)/COR(s) and AO(s)/CO(s) for approval, when required: Please note that these costs are subject to audit.*  
**Questions:**

- a. The two clauses could be viewed as contradictory. If an implementer under an assistance award is taking actions in accordance with its own policies, why would it need to seek approval from USAID? For example, it is our understanding that if our policy allows for the relocation or evacuation of staff for health and safety reasons, these costs are allowable and allocable as long as they are reasonable. Please confirm. Also, it is our understanding that if this is a temporary situation, a notification to USAID should suffice and that “approval” is not required. We are concerned that Missions will attempt to make decisions or withhold “approval” when in fact they do not have an employer/employee relationship with our staff and it is the organization that has a duty of care responsibility for its staff members.

**USAID Response:** When the recipient incurs costs that are not normally charged to the award, USAID will *consider* any such costs that the recipient proposes. Based on OMB Memo M-20-17, USAID may allow recipients who incur costs related to the cancellation of events, travel, or other activities necessary and reasonable for the performance of the award, or the pausing and restarting of grant funded activities due to the public health emergency, to charge these costs to their award without regard to 2 CFR § 200.403, Factors affecting allowability of costs, 2 CFR § 200.404, Reasonable costs, and 2 CFR § 200.405, Allocable costs. USAID may allow recipients to charge the full cost of cancellation when the event, travel, or other activities are conducted under the auspices of the award. Recipients should not assume additional funds will be available should the charging of cancellation or other fees result in a shortage of funds to eventually carry out the event or travel. Recipients must maintain appropriate records and cost documentation as required by 2 CFR § 200.302 - Financial management and 2 CFR § 200.333 - Retention requirement of records, to substantiate the charging of any cancellation or other fees related to interruption of operations or services. Recipients must contact their AO for approval on specific costs. In no circumstance can costs exceed the amount obligated in the award. The agency will not reimburse any such costs. Recipients must ensure that all costs associated with any potential repatriation, termination and close-out costs are budgeted and available within the obligated amount of the award.

- b. The phrase “**ANY** [emphasis added] additional costs relating to COVID-19” must be approved by USAID is too broad and could be widely interpreted. For example, one mission may consider additional cleaning costs (Clorox wipes or enhanced cleaning services) as requiring approval. Why? Where is the value added in having missions approve additional costs of supplies?

**USAID Response:** For Assistance awards, only those costs that would generally require AO approval need to be submitted. Flexibility on prior approvals during the 90 period of the COVID-19 response has been addressed in OMB Memo M-20-17.

- c. The phrase “Before incurring any additional costs relating to COVID-19, partners must contact their AORs)/COR(s) and AO(s)/CO(s) for approval, **when required** [emphasis added]” does not provide criteria or instructions to determine when approval would in fact be required. More clarity is needed to ensure compliance with USAID’s guidance and to avoid overwhelming USAID and implementer staff with unnecessary and administratively burdensome requests.

**USAID Response:** For Assistance, the only criteria for approval are the requirements for prior approval are found in 2 CFR 200.308 and 2 CFR 200.407. See OMB Memo M-20-17 for flexibilities on prior approvals during the 90 period of the COVID-19 response.

For acquisition, requirements for approvals will be found in the terms and conditions of the contract award.

## 6. AUTHORIZED DEPARTURES/EVACUATIONS

**Question:** Are the costs associated with the **evacuation** of American citizens and TCN institutional contractors allowable under the subject contract?

**USAID Response:** Based on the existing AIDAR clauses listed below, Mission Directors can authorize departure and make evacuation costs allowable on a country-by-country basis.

In accordance with AIDAR 752.7002 Travel and Transportation, "When for any reason, the Mission Director determines it is necessary to evacuate the Contractor's entire team (employees and dependents) or Contractor dependents only, the Contractor will be reimbursed for travel and transportation expenses and travel allowance while en route, for the cost of the individuals going from post of duty in the Cooperating Country to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other approved location. The return of such employees and dependents may also be authorized by the Mission Director when, in his/her discretion, he/she determines it is prudent to do so."

Contractors should contact the CO regarding allowability of evacuation costs on a case-by-case basis in accordance with the above clause as well as AIDAR 752.7028 Differential and Allowance.

**Question:** 41 CFR § 301-10.138(b) states that use of foreign air carrier service may be granted as follows:

*“(2) When use of a foreign air carrier is required to avoid an unreasonable risk to your safety and is approved by your agency (e.g., terrorist threats), written approval of the use of foreign*

*air carrier service based on an unreasonable risk to your safety must be approved by your agency on a case by case basis.”*

Given the speed of the rapidly evolving COVID-19 crisis, with borders closing hour-by-hour, decisions about how to move staff are critical and must be made in the moment. Would USAID consider issuing a 2-week blanket waiver to allow for the Fly America Act for Implementing Partners (IP), when use of a foreign air carrier is required, to avoid an unreasonable risk to the safety of our personnel (i.e. travel through a COVID-19 Level 3 or Level 4 countries)? Such options may also provide the most cost-effective solutions.

If not, could USAID please provide a template for waiver/exception requests that could help IPs provide all required information in a format preferred by USAID which could help expedite approvals?

**USAID Response:** We are not aware of any federal-wide revisions or exceptions to the Fly America Act at this time. Having said that, in accordance with FAR **52.247-63 Preference for U.S.-Flag Air Carriers**, contractors may choose to use a foreign-flag carrier and should document in the voucher the reason for using a foreign-flag carrier for the particular flight(s). See also FAR 47.403 **Guidelines for implementation of the Fly America Act** and FAR 47.403-3 for required documentation explaining why service by U.S.-flag air carriers were not available or why it was otherwise necessary to use foreign-flag air carriers. The Agency continues to review this matter and will provide any further updates on this as appropriate.

**Question:** We received communication from some Missions allowing the repatriation of the dependents of the expatriate staff prior to authorized or ordered departure announcement by the Chief of Mission? Can we have a similar flexible guidance for the expatriates themselves should they feel uncomfortable working in the host country. In other words, can we consider the current situation “reasons beyond the expatriate control” as stated in AIDAR 752.7002?

**USAID Response:** Based on existing AIDAR clauses in our awards with contractors, Mission Directors have the authority to authorize departure and make evacuation costs allowable on a country by country basis.

In accordance with AIDAR 752.7002 Travel and Transportation, "When for any reason, the Mission Director determines it is necessary to evacuate the Contractor's entire team (employees and dependents) or Contractor dependents only, the Contractor will be reimbursed for travel and transportation expenses and travel allowance while en route, for the cost of the individuals going from post of duty in the Cooperating Country to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other approved location. The return of such employees and dependents may also be authorized by the Mission Director when, in his/her discretion, he/she determines it is prudent to do so."

COs should work with contractors regarding allowability of evacuation costs on a case-by-case basis in accordance with the above clause as well as AIDAR 752.7028 Differential and Allowance.

The determination has to be made at the Mission as the MD will have to make the determination based on the contractor's request for the departure of individuals at high risk from COVID-19.

**Question:** Considering the guidance indicates USAID's cost allowability will be viewed favorably when it is in-line with USAID's guidance, can USAID advise if the agency is considering evacuation/return of expats back to the US? Additionally, will these expats be working remotely from the US?

**USAID Response:** This will be handled at the Mission level based on approvals from the CoM and the Mission Director regarding evacuation.

**Question:** If the CO/CORs are not able to respond/non-responsive within a reasonable amount of time, can IPs move forward with actions such as staff evacuations/project implementation decisions, while otherwise observing all federal contracting rules as much as possible? Can we ensure that we can bill to the program so long as we ensure costs are allowable, allocable, and reasonable?

**USAID Response:** Costs associated with authorized evacuation that comply with the terms and conditions described below will be considered allowable.

If a Mission Director determines evacuation is necessary, USAID will reimburse a contractor for payments made to employees and authorized dependents evacuated from their post of assignment as if they were eligible to receive the benefits described in Chapter 600 of the Standardized Regulations (Government Civilians, Foreign Areas), and the Federal Travel Regulation, as from time to time amended.

In accordance with AIDAR 752.7002 Travel and Transportation, "When for any reason, the Mission Director determines it is necessary to evacuate the Contractor's entire team (employees and dependents) or Contractor dependents only, the Contractor will be reimbursed for travel and transportation expenses and travel allowance while en route, for the cost of the individuals going from post of duty in the Cooperating Country to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other approved location. The return of such employees and dependents may also be authorized by the Mission Director when, in his/her discretion, he/she determines it is prudent to do so."

**Question:** I'm not an U.S. citizen, but I hold a green card. What is my status if there is an evacuation and I work under a Contract or a grant or cooperative agreement (CA)?

**USAID Response:** Individuals who work for a contractor or recipient, whether U.S. citizen or green card holder, must consult with the contractor or recipient, who is their direct employer regarding the terms and conditions that apply to their specific employment or consultant agreement.

**Question:** Implementing Partners with staff and consultants on temporary duty (TDY) have been notified by select Missions to have those individuals leave the country as soon as possible. As those departure arrangements have been activated; however, some individuals are unable to return to their countries of origin due to border closing and others are being required to self-quarantine (this applies to non-US citizens returning to their home countries). To what extent will the associated unexpected travel and per diem costs be considered allowable? We have found the CORs and COs are unclear about what guidance should be provided.

**USAID Response:** At this time, USAID would like to emphasize that reasonable costs in relation to safety measures are generally allowable. USAID understands that, as a result of the outbreak, some of our implementing partners might find themselves incurring additional implementation costs not originally envisioned, principally related to safety measures and the protection of staff.

USAID will consider any additional proposed costs on a case-by-case basis, provided that such costs are “allowable, allocable, and reasonable.”

To be allowable, costs must be allocable and reasonable. The standard for what is "reasonable" is what a prudent person would do under the circumstances that were prevailing at the time the decision was made to incur the cost. See Section 31.201-3 of the Federal Acquisition Regulation.

COs/AOs will consider all justifications for expenses: They will be particularly inclined to view them as prudent, and thus reasonable and allowable, those expenses incurred based on U.S. Government actions or directives.

## **ORDERED EVACUATIONS FOR PERSONNEL WORKING FOR CONTRACTORS**

**Question:** I work for a contractor and I am an American citizen. Can the Ambassador order me to leave?

**USAID Response:** In accordance with AIDAR 752.7002 Travel and Transportation, "When for any reason, the Mission Director determines it is necessary to evacuate the Contractor's entire team (employees and dependents) or Contractor dependents only, the Contractor will be reimbursed for travel and transportation expenses and travel allowance while en route, for the cost of the individuals going from post of duty in the Cooperating Country to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other approved location. The return of such employees and dependents

may also be authorized by the Mission Director when, in his/her discretion, he/she determines it is prudent to do so.”

However, the U.S. Ambassador has the right to direct the removal from a country of any U.S. citizen or discharge from the contract of any individual (U.S., third-country, or cooperating-country national) when, at the discretion of the Ambassador, the interests of the United States so require. Under these circumstances termination of an employee and replacement by an acceptable substitute must be at no cost to USAID.

**Question:** I work for a contractor, but I am not an American citizen. Can the Ambassador order me to leave?

**USAID Response:** Individuals working under a contract must consult with the contractor who is their employer as it would depend on why the individual is being ordered to leave the country. Reimbursement of evacuation costs depends on the terms and conditions of each contract and the applicable cost principles.

**Question:** I am a TCN working under a contract. I understand that the USAID Mission Director can order me to leave Post. Would the contractor be reimbursed for my evacuation costs?

**USAID Response:** Individuals working under a contract must consult with the contractor who is their employer as it would depend on why the individual is being ordered to leave the country. Reimbursement of evacuation costs depends on the terms and conditions of each contract and the applicable cost principles.

**Question:** I am an American citizen working under a contract. I understand that the Ambassador can order me to leave Post. Would the contractor be reimbursed for my evacuation costs?

**USAID Response:** Individuals working under a contract must consult with the contractor, who is their employer. Reimbursement of evacuation costs depends on the terms and conditions of each contract and the applicable cost principles.

**Question:** If there is a voluntary evacuation, will the contractor or grantee/CA organization be reimbursed by USAID?

**USAID Response:**

For contractors only those costs associated with an authorized evacuation that comply with the terms and conditions described below will be considered allowable.

If a Mission Director determines evacuation is necessary, USAID will reimburse a contractor for payments made to employees and authorized dependents evacuated from their post of assignment as if they were eligible to receive the benefits described in Chapter 600 of the Standardized Regulations (Government Civilians, Foreign Areas), and the Federal Travel Regulation, as from time to time amended.

In accordance with AIDAR 752.7002 Travel and Transportation, "When for any reason, the Mission Director determines it is necessary to evacuate the Contractor's entire team (employees and dependents) or Contractor dependents only, the Contractor will be reimbursed for travel and transportation expenses and travel allowance while en route, for the cost of the individuals going from post of duty in the Cooperating Country to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other approved location. The return of such employees and dependents may also be authorized by the Mission Director when, in his/her discretion, he/she determines it is prudent to do so."

For recipients, costs for evacuation will be covered if they are within the Recipient's standard policies, and are within the cost principles in 2 CFR 200 and the Standard Provision in the award, entitled "Travel and International Air Transportation."

## **ORDERED EVACUATIONS FOR GRANTEES AND COOPERATIVE AGREEMENT RECIPIENTS**

**Question:** I work under a grant/CA and am an American citizen. Can the Ambassador order me to leave the country?

**USAID Response:** The Ambassador does not authorize individuals to leave the country for evacuation purposes. All departures for people working under grants/Cs would be voluntary.

However, the grant/CA standard provision entitled "Regulations Governing Employees," or "Recipient and Employee Conduct", as applicable, the Ambassador can direct the removal of a U.S. citizen from a country, or the discharge from the award of any individual (U.S., third-country, or cooperating-country national) when, at the discretion of the Ambassador, it is in the interests of the United States.

**Question:** I work under a grant/CA and I am an American citizen. I understand the Ambassador can order my departure. Would the grantee be reimbursed for the costs of my evacuation?

**USAID Response:** Costs for evacuation will be covered if they are within the Recipient's standard policies, and are within the cost principles in 2 CFR 200 and the Standard Provision in the award, entitled "Travel and International Air Transportation."

**Question:** I work under a grant/CA and I am not an American citizen. Can the Ambassador order my departure?

**USAID Response:** The Ambassador does not authorize individuals to leave the country for evacuation purposes. All departures for people working under grants/CAs would be voluntary.

However, the grant/CA standard provision entitled "Regulations Governing Employees," or "Recipient and Employee Conduct", as applicable, the Ambassador can direct the removal of a U.S. citizen from a country, or the discharge from the award of any individual (U.S., third-country, or cooperating-country national) when, at the discretion of the Ambassador, it is in the interests of the United States.

**Question:** What costs for ordered evacuations are reimbursable under grants/CAs?

**USAID Response:** Authorized or ordered evacuations do not apply to grants/CAs, and, hence, all departures would be voluntary. Costs for evacuation will be covered if they are within the Recipient's standard policies, and are within the cost principles in 2 CFR 200 and the Standard Provision in the award, entitled "Travel and International Air Transportation."

## **7. TELEWORKING AND LEAVE**

**Question:** Will the Agency issue a "relaxed guidance" allowing the repatriation of expatriate staff and have them work remotely (if it is technically doable) until the situation is clear? Can we pass the cost of repatriation to the award?

**USAID Response:** Only those costs associated with authorized evacuation that comply with the terms and conditions described below will be considered allowable.

If a Mission Director determines evacuation is necessary, USAID will reimburse a contractor for payments made to employees and authorized dependents evacuated from their post of assignment as if they were eligible to receive the benefits described in Chapter 600 of the Standardized Regulations (Government Civilians, Foreign Areas), and the Federal Travel Regulation, as from time to time amended.

In accordance with AIDAR 752.7002 Travel and Transportation, "When for any reason, the Mission Director determines it is necessary to evacuate the Contractor's entire team (employees and dependents) or Contractor dependents only, the Contractor will be reimbursed for travel and transportation expenses and travel allowance while en route, for the cost of the individuals going from post of duty in the Cooperating Country to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other approved location. The return of such employees and dependents may also be authorized by the Mission Director when, in his/her discretion, he/she determines it is prudent to do so."

**Question:** Does USAID plan to extend and allow teleworking for Cooperating Country Nationals (CCNs)/TCNs at the USAID's missions?

**USAID Response:** CCN personal services contractors and TCN personal services contractors may be authorized to telework in accordance with each individual Mission's policy.

**Question:** Is it correct that telework agreements are not required as contractor staff can be supervised remotely?

**USAID Response:** Personal Services Contractors (PSCs) and Employees of Institutional Support Contractor (ISC). To be able to telework, individual PSCs and ISC employees in Washington, D.C., must: (1) be deemed eligible; (2) be trained in telework; and, (3) have a current Telework Agreement approved by their supervisor or Contracting Officer's Representative (COR), as appropriate by type of contractor. Contractor staff must contact their Administrative Management Services officer or COR, as applicable, to request an RSA token; the Office of the Chief Information Officer in the Bureau for Management (M/CIO) will notify the individual when the token is ready, which M/CIO can issue remotely.

The supervisors of PSCs may approve telework on a similar basis as needed for U.S. Direct Hire (USDH) employees, depending on the duties of the position.

ISC Employees. ISC employees who work on-site in USAID facilities in Washington, D.C., must contact their employer's Project Managers, if applicable, and the cognizant USAID Contracting Officers' Representative(s) (CORs) regarding eligibility for telework, and must follow their employer's policies on telework. ISCs must also consult with their Contracting Officer (CO) to ensure the telework approved is within the terms of their contract. If a contract currently does not provide for telework capabilities, the Agency encourages ISCs and COs to undertake action quickly to allow ISC employees to telework, with approval from the COR responsible for the day-to-day management of the award.

**Question:** USAID's COVID-19 Guidance does not address contracts requiring that staff work under the supervision of a USAID Direct Hire. Should contractors seek to establish telework agreements with their USAID Office?

**USAID Response:** Only Personal Services Contractors can be supervised by USAID Direct Hires. To be able to telework, individual PSCs must: (1) be deemed eligible; (2) be trained in telework; and, (3) have a current Telework Agreement approved by their supervisor. PSCs must contact their Administrative Management Services officer to request an RSA token; the Office of the Chief Information Officer in the Bureau for Management (M/CIO) will notify the individual when the token is ready, which M/CIO can issue remotely.

**Question:** Is it correct that Implementing Partners have to provide 14 days of continuous leave to anyone meeting the definition. If I already provide paid leave, it seems I do not have to provide a credit for additional leave if they already have paid leave that would cover them for 14 days. Is this correct? I think my obligation is to ensure that employees without sufficient leave balances have at least 14 days. Can you confirm?

**USAID Response:** Contractors and Recipients must follow their own leave policies and consider the maximum flexibilities within their policies for employee health and safety reasons.

**Question:** In the Families First Coronavirus Response Act one of the reasons that qualifies as emergency sick day is (ii) The individual is under quarantine (including self-imposed quarantine),

at the instruction of a health care provider, employer, or a local, State, or Federal official, in order to prevent the spread of COVID-19. Would this apply to Federal contractors who are told they must telework but do not have the capability to, e.g., those working with classified information or those where the agency systems do not support telework? It seems it would qualify as instruction of an employer to quarantine by not coming to the office despite the fact that they cannot work from home.

**USAID Response:** Contractors are encouraged to speak with their CORs in instances where telework cannot be performed. They are further encouraged to consult with legal counsel on whether they are covered by the Act. Assuming the employer is covered by the Act, they are required to provide paid sick leave to an employee who is unable to work or telework because the employee is subject to federal, state, or local quarantine or isolation order related to COVID-19.

## 8. AUDITS

**Question:** USAID, OIG and DCAA all have audits that are at various stages. Would USAID consider suspending all audits (including submission of Management Responses) until such a time that the pandemic has receded?

**USAID Response:** USAID is exercising the additional flexibilities provided by OMB in their Memo M 20-17, to recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis. Recipients and subrecipients that have not yet filed their single audits with the Federal Audit Clearinghouse as of the date of the issuance of the OMB memorandum and that have fiscal year-ends through June 30, 2020, are allowed to delay the completion and submission of the Single Audit reporting package, as required under Subpart F of 2 CFR § 200.501-*Audit Requirements*, to six (6) months beyond the normal due date. This extension does not require individual recipients and subrecipients to seek approval for the extension by the cognizant or oversight agency for audit; however, recipients and subrecipients should maintain documentation of the reason for the delayed filing. Recipients and subrecipients taking advantage of this extension would still qualify as a "low-risk auditee" under the criteria of 2 CFR § 200.520 (a)-*Criteria for a low-risk auditee*.

**Question:** From USAID a delay in opening new audits would be a help. These items are a major capacity drain even when we aren't also working remotely with staff at decreased capacity due to childcare or illness. Open audits are generally assigned and resourced.

**USAID Response:** New audits requested by USAID on external partners will be handled on a case by case basis. If you have a special need, please contact your USAID COR for specific information.

## 9. OMB MEMO M-20-11 and M-20-17

**Question:** OMB Memo M-20-11 states in the third paragraph "*These exceptions are time limited and are only applicable for those awards that support the continued research and services necessary to carry out the emergency response related to COVID-19...*" However, federal award recipients who are not working on the emergency response are also being drastically impacted by COVID-19. Could USAID clarify their understanding of whether the applicability of the OMB memo has been or will be extended to such other award recipients?

**USAID Response:** OMB Memo M-20-11 allowed Federal agencies to grant class exceptions in instances where the agency has determined that the purpose of the Federal awards is to support the continued research and services necessary to carry out the emergency response related to COVID-19. The scope of the M-20-11 was narrowly crafted to provide flexibility to grant recipients performing essential research and services necessary to carry out the emergency response related to COVID-19.

With the issuance of OMB M-20-17, issued on March 19, 2020, Awarding agencies are now authorized to take certain actions, with respect to administrative provisions for "similar administrative relief listed in M-20-11 to an expanded scope of recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis."

**Question:** On Monday, March 9th, the Office of Management and Budget (OMB) issued Memorandum M-20-11 entitled "Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)" allowing "Federal agencies to grant class exceptions in instances where the agency has determined that the purpose of the Federal awards is to support continued research and services necessary to carry out the emergency response related to COVID-19."

Is USAID considering to grant class exemption in regards to OMB issued memorandum M-20-11?

**USAID Response:** If the Agency identifies a need for such class exception to implement the flexibilities in OMB Memo M-20-11 we will pursue it. The scope of the M-20-11 was narrowly crafted to provide flexibility to grant recipients performing essential research and services necessary to carry out the emergency response related to COVID-19.

However, on Thursday, March 17th, the Office of Management and Budget (OMB) issued Memorandum M-20-17 entitled "Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) due to Loss of Operations." This Memorandum extended administrative relief to recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis. USAID is exercising the flexibilities provided by OMB in its Memo M-20-17.

**Question:** The USAID guidance does not mention whether USAID is embracing the flexibilities outlined in OMB memorandum M-20-11. Will USAID be issuing further guidance or

are implementers expected to request the flexibilities outlined in the memoranda from specific Agreement/Contracting Officers citing the OMB determinations?

**Response:** The flexibilities in the OMB Memoranda 20-11 and M-20-17 only apply to assistance awards. The Agency will exercise the authority in M-20-11, as necessary, for emergency response awards related to COVID-19.

USAID is exercising the flexibilities provided in OMB Memo-20-17 to provide administrative relief to recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis.

These exceptions are time limited and will be reassessed by OMB within 90 days of the Memorandum dated March 19, 2020.

**Question:** Can USAID please clarify this statement: *“Awarding agencies are authorized to waive prior approval requirements as necessary to effectively address the response. All costs charged to Federal awards must be consistent with Federal cost policy guidelines and the terms of the award, except where specified in this memorandum.”* Does this mean that prior approvals will no longer be requested and given? Should we consider that restricted items are no longer restricted? Please provide more information.

**USAID Response:** Prior approval requirement waivers. (2 CFR §200.407). Pursuant to OMB Memorandum M-20-17, approvals that are normally required under the existing terms and conditions of the award are waived to effectively address the response. All costs charged to the awards must be consistent with Federal cost policy guidelines and the terms of the award, except where specified in the OMB memorandum. These exceptions are time limited and will be reassessed by OMB within 90 days of the OMB Memo dated March 19, 2020. Prior to incurring such costs recipients must notify the AO and AOR of these costs. In no circumstance can costs exceed the amount obligated in the award. The agency will not reimburse any such costs. Recipients must ensure that all costs associated with any potential repatriation, termination and close-out costs are budgeted and available within the obligated amount of the award.