

## WHS Acquisition Directorate Questions and Answers (Q&A)

### 1. What is the Contracting Office's guidance for potential telework if the Government deems it necessary but the contract does not specifically address telework opportunities?

If the contract does not include telework language or does not allow for telework, the Contracting Officer Representative (COR) can contact the contracting officer to initiate a contract modification. The contracting officer will review the scope of the change and negotiate the modification with the contractor. This change may incur additional costs to the Government, so **it is necessary that only the Contracting Officer coordinates this change.**

The COR will ensure contractors are telework ready and customer expectations are clear in accordance with the contract.

### 2. How would a Government Facility closure affect ongoing support contracts?

#### **Mission Essential Contracts:**

Customers must identify mission-essential requirements and communicate with the contracting officer. The contracting officer will notify the contractor and the COR will coordinate continuation of mission functions (e.g. ensuring building access, Government oversight, and access to requisite documents). This may require a contract modification and additional funding.

*Definition: "Mission-essential functions" means those organizational activities that must be performed under all circumstances to achieve DoD component missions or responsibilities, as determined by the appropriate functional commander or civilian equivalent. Failure to perform or sustain these functions would significantly affect DoD's ability to provide vital services or exercise authority, direction, and control.*

#### **Non-Mission Essential Contracts:**

Customers should coordinate with the contracting officer on continued performance of the contract. If work can be done remotely, the contract can be modified accordingly. There could be additional costs associated with allowing alternative work locations and the contractor may need to be furnished with additional equipment.

If the contract cannot be performed remotely, then the contracting office may issue a stop-work order (or partial stop-work order) or a Suspension of Work.

### 3. What guidance should classified programs give contractors working on networks with no remote access?

If the contract cannot be performed remotely (i.e. Contractor SCIF location), then the contracting office may issue a stop-work order.

**4. Should the COR take the initiative to permit contractors to begin teleworking immediately?**

No. As a reminder, CORs are **NOT** authorized to “Take any actions that would commit or change the contract price, quantity, quality, schedule/delivery, scope of work, place of performance, or any other term or condition of the existing contract. **Personnel may be held personally liable for unauthorized actions.**

**5. When contacting your Contracting Officer to discuss your options, please have the following available:**

- a. **(Mission essential):** What is mission-essential and must be performed despite a closure (total or partial)?
- b. **(Remote):** What is capable of being supported remotely (off-site)?

*If you have any additional questions send an email to [Ask AD](#) and appropriate contracting professional will respond.*