

DOE Implementation of OMB 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” dated March 19, 2020

The purpose of this guidance is to implement flexibilities authorized by Office of Management and Budget (OMB) Memorandum M-20-17 from specific administrative, financial management, and audit requirements contained in 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, without compromising accountability requirements.

Please note that, pursuant to OMB guidance, **these administrative relief flexibilities are intended to be time limited**. OMB plans to reassess their applicability within 90 days and DOE will update our guidance, as needed, at that time. Except where noted below, the following flexibilities are applicable to DOE applicants and awardees affected by the loss of operational capacity and increased costs due to the COVID-19 crisis. DOE COs and recipients are reminded of the requirement to maintain appropriate records and documentation necessary to support any relief or charges to DOE awards.

1. Flexibility with SAM registration. (2 CFR § 200.205)

Current registrants in the System for Award Management (SAM) with active registrations expiring before May 16, 2020, will automatically be afforded a one-time extension of 60 days. Applicants that are not able to register in SAM or who have not registered in SAM or cannot use Grants.gov to submit applications should contact the DOE point of contact identified in the Funding Opportunity Announcement (FOA) for alternate application submission instructions.

2. Flexibility with application deadlines. (2 CFR § 200.202)

DOE will determine if an extension to the application due dates are needed due to the COVID-19 crisis on a case by case basis. COs should work with their Program Offices to determine if an extension of due dates for applications is needed for any FOA currently published. If it is determined that an extension to the application due date is needed, COs must amend the FOA to extend the application due date in accordance with current policies and procedures.

3. Waiver for Notice of Funding Opportunities (NOFOs) Publication. (2 CFR § 200.203)

DOE will determine if publication of emergency FOAs for less than 30 days is needed due to the COVID-19 crisis on a case by case basis. COs should work with their Program Offices to determine if a shortened publication time for a FOA is needed and provide the appropriate file documentation.

4. No-cost extensions on expiring awards. (2 CFR § 200.308)

Recipients must notify the CO if it is utilizing the regulatory authorities in 2 CFR 200.308(d)(2) to implement a no-cost extension to its award. The CO will then issue a modification to the award to change the expiration date. COs are authorized to provide no-cost extensions to current awards which were active as of March 31, 2020 and scheduled to expire on or before December 31, 2020. COs are also authorized to extend awards for which recipients have already utilized the one-time extension provided in 2 CFR 200.308(d)(2). A determination for non-competitive federal financial assistance as required by 2 CFR 910.126 will not be required for any no-cost extensions due to the COVID-19 crisis. COs are reminded to properly document the award when making the modifications to the expiration date.

5. Abbreviated non-competitive continuation requests. (2 CFR § 200.308)

Recipients with continuation applications due to be submitted between April 1, 2020 and December 31, 2020, will continue to follow the process as detailed in the ‘CONTINUATION APPLICATION AND FUNDING’ award term of their award. COs, in consultation with their Program Offices, will continue to process continuation awards according to the current policy; however they may determine that an additional statement from the recipient is required to verify that it is able to: 1) resume or restore their award/project activities; and 2) accept a planned continuation award. COs will need to inform recipients (on a case by case basis) when they determine that an additional statement is needed to execute the continuation award.

6. Allowability of salaries and other project activities. (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405)

Recipients are authorized to continue to charge salaries, stipends, and benefits to currently active DOE awards consistent with the recipients’ policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. The recipient is authorized to charge other costs to DOE awards that are necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project. Recipients must not assume that supplemental funding will be available should the charging of such costs or other fees result in a shortage of funds to eventually carry out the project.

If a funding shortfall is anticipated, recipients must contact the cognizant DOE CO to address the situation. DOE will evaluate the recipient’s ability to resume the project activity in the future and the appropriateness of future funding, as done under normal circumstances—based on subsequent project reports and other communications with the recipient. Recipients are required to 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.

Also see Attachment 1 for additional guidance.

7. Allowability of Costs not Normally Chargeable to Awards. (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405, 2 CFR § 910.352)

COs must determine the allowability of all costs charged by recipients under their awards. The provisions of 2 CFR 200 Subpart E and 2 CFR 910.352 apply for the allowability of costs. DOE may determine if recipient's costs incurred 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 COVID-19 crisis, are allowable. COs will make allowability determinations for these costs incurred on a case by case basis and must document the file accordingly.

Recipients should not assume additional funds will be available should the charging of cancellation or other fees result in a shortage of funds. 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.

8. Prior approval requirement waivers. (2 CFR § 200.407)

Recipients are required to obtain the prior approvals specified in 2 CFR § 200.308 (c) (i-viii). Recipients are reminded that they are to ensure that all costs charged to Federal awards must be consistent with Federal cost policy guidelines and the terms of the award, except as specified in this guidance.

9. Exemption of certain procurement requirements. (2 CFR § 200.319(b), 2 CFR § 200.321)

DOE has waived the procurement requirements contained in 2 CFR § 200.319(b) regarding geographical preferences and 2 CFR § 200.321 regarding contracting with small and minority businesses, women's business enterprises, and labor surplus area firms. Recipients must document awards accordingly.

10. Extension of financial, performance, and other reporting. (2 CFR § 200.327, 2 CFR § 200.328)

Recipients must inform the DOE CO if they require an extension for the submission of any pending periodic financial, performance and other reports required by the terms of the award. DOE will extend the due dates for the submission of financial, performance and other reports for up to three (3) months. Recipient periodic financial, performance and other reporting requirements due between March 1 and August 1, 2020 can be extended up to 3 months from the date required in their awards. These reports must be submitted in accordance with the terms and conditions of their award.

11. Extension of currently approved indirect cost rates. (2 CFR § 200.414 (c))

Recipients may continue to use the currently approved indirect cost rates (i.e., predetermined, fixed, or provisional rates) to recover their indirect costs on DOE awards.

Recipients for which DOE has cognizance over their indirect rates must: 1) request an extension on the use of the current indirect rates for one additional year without submission of an indirect cost proposal; and 2) request an extension of the indirect cost rate proposal submission to finalize the current rates and establish future rates.

12. Extension of closeout. (2 CFR § 200.343)

Recipients must inform the DOE CO if they require an extension for the submission of any pending financial, performance and other reports required by the terms of the award for the closeout of expired projects. The notice provided by the recipient to delay submitting closeout reports must identify the date which the required reports will be submitted to DOE. The new date may not exceed one year after the award expires.

13. Extension of Single Audit submission. (2 CFR § 200.512, 2 CFR § 910.512)

Recipients and sub-recipients that have not yet filed their single audits with the Federal Audit Clearinghouse as of the date of the issuance of the OMB Memorandum that have fiscal year-ends through June 30, 2020, are authorized 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. No formal approval for this extension is required; however, recipients and sub-recipients must maintain documentation of the reason for the delayed filing. Recipients and sub-recipients who currently qualify as a low-risk auditee under the criteria of 2 CFR § 200.520(a), and who take advantage of this extension will continue to qualify as a low-risk auditee, absent other reasons for a change in qualification.

For-profit entities that have not yet submitted their compliance audits to DOE as of the date of the issuance of the OMB Memorandum that have fiscal year-ends through June 30, 2020, are authorized to delay the completion and submission of their compliance audit reporting package, as required under Subpart F of 2 CFR § 910.501 – Audit Requirements, to six (6) months beyond the normal due date. No formal approval for this extension is required; however, recipients and sub-recipients must maintain documentation of the reason for the delayed filing. Recipients and sub-recipients who currently qualify as a low-risk auditee under the criteria of 2 CFR § 910.520(a), and who take advantage of this extension will continue to qualify as a low-risk auditee, absent other reasons for a change in qualification.