

252.2XX-70XX Section 3610 Reimbursement. (DEVIATION 2020-OZZZZ)

Use the following clause when modifying contracts, task orders or delivery orders, including those using part 12 procedures for the acquisition of commercial items, to provide for the reimbursement of paid leave to an affected contractor pursuant to Class Deviation 2020-OZZZZ.

SECTION 3610 REIMBURSEMENT (DEVIATION 2020-OZZZZ) (XXX 2020)

(a) *Definitions.* As used in this clause—

“Affected contractor” means a contractor that has incurred costs to provide paid leave for its employees or subcontractors to maintain its workforce in a ready state and otherwise meets all the requirements of section 3610 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Pub. L. 116-136).

(b) *Reduction for credits or loan forgiveness.*

(1) Section 3610 of the CARES Act requires that the maximum reimbursement to affected contractors authorized by section 3610 shall be reduced by the amount of any credits received pursuant to Division G of Public Law 116-127 and any applicable credits a contractor is allowed under the CARES Act. The Contracting Officer will reduce the amount of the funds authorized under section 3610 and provided by modification, commensurate with the amount of any credits or loan forgiveness received.

(2) Should the timing of any other reimbursements be such that the Contractor is unable to provide notification to the contracting officer prior to execution of a contract modification resulting from the Contractor’s section 3610 reimbursement request, the Contractor shall notify the contracting officer, as provided in paragraph (c), and agrees that the Government will modify the contract to reduce the reimbursed amount by the credit or loan forgiveness amount received.

(c) *Notice of receipt of credits or loan forgiveness.*

(1) The Contractor shall notify the Contracting Officer in writing within 30 days of receiving—

(i) Loan forgiveness pursuant to—

(A) Division G of the Families First Coronavirus Response Act (Pub. L. 116-127); or

(B) The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Pub. L. 116-136); and

(ii) Any other credit allowed by law (including State and local laws that are specifically identifiable with the public health emergency declared on January 31, 2020, for COVID-19).

(2) Include in the notice to the Contracting Officer the amount of any credits or loan forgiveness received along with supporting information necessary to facilitate calculation of the required reductions of reimbursement provided under any contract modification pursuant to section 3610 reimbursement to offset credits or loan forgiveness received under paragraph (c)(1).

(d) *Audit.* The Government reserves the right to audit the Contractor's billed costs reimbursed under section 3610 of the CARES Act to ensure accuracy and compliance with law and any applicable regulations.

(e) *Subcontracts.* The Contractor shall insert the substance of this clause, including this paragraph (e), in any subcontract modification that involves the reimbursement of paid leave under section 3610 of the CARES Act to affected subcontractors, including subcontracts for the acquisition of commercial items.

(End of clause)