Frequently Asked Questions Concerning DHS Procurement during COVID-19 Response

1. Do you foresee any issues with current contracts that could lead to periods of performance being extended given the current situation? Additionally, will future contract awards and performance be delayed or negatively affected?

While DHS does not expect any delays, contractors should speak with their Contracting Officer if they have concerns. DHS has encouraged all Contracting Officers to proactively discuss COVID-19 related issues with their industry partners, so you should hear from them. You are also welcome to discuss any and all concerns regarding schedule changes with the appropriate Head of Contracting Activity (HCA).

2. Does DHS anticipate any delays in issuing timely payments?

DHS does not foresee any delays. Most payment offices already had telework procedures in effect and the capability to electronically process payments. However, if a company has a specific question or concern, they should ask their Contracting Officer or Contracting Officer’s Representative (COR). If companies see an actual delay (not a perceived delay), they should notify the Office of the Chief Procurement Officer (OCPO), immediately.

3. Should industry expect to see more requests for different types of procurement techniques (e.g., video submissions or virtual orals) rather than technical demonstrations considering telework?

DHS recently issued a memorandum to the acquisition workforce on the virtualization of the procurement process. That memorandum explored three main areas of execution: 1) conducting virtual industry days; 2) conducting virtual oral presentations; and 3) conducting virtual consensus evaluation. Additionally, the contracting activities will provide information on how proposals should be submitted.

During COVID-19 it is reasonable to expect more video submissions or other techniques in lieu of face-to-face oral presentations. These are really the same types of procurement techniques, DHS is just taking advantage of technology to help us keep everyone safe during the COVID-19 emergency.
4. **What changes should companies expect to see in the onboarding process (e.g., fingerprinting, Personal Identity Verification (PIV) card issuance)?**

The Office of Personnel Management issued guidance recently to Departments and Agencies providing some flexibilities in onboarding individuals.

**Onboarding:**
- DHS is continuing to onboard contractor staff.
- Individuals onboarding during this time should work with their respective program offices to obtain information on how to receive their government furnished equipment (GFE) as required.

**PIV Issuance and Fingerprinting:**
- Sites remain open for PIV issuance and fingerprinting. There are some closures based on locality.
- Individuals can see which PIV-card issuance or fingerprinting locations are available via TimeTrade and should consult with their COR or program office for further information regarding the closure of specific worksites.
- The Office of the Chief Security Officer is providing guidance to the Operational Components to consider lifting the 30 to 60-day suspension rules of their access control systems during the COVID-19 pandemic and to extend the use of flash pass access authorization based on the PIV expiration date.

**GFE:**
- Individuals should work with their respective program offices to obtain information on how to receive their GFE as required.
- Contractors with DHS issued PIV cards can use their own personal computer or corporate issued computer to access DHS Headquarters workplace-as-a-service.

**Security Clearance Investigations and Contractor Fitness Determinations:**
- Security clearance investigations and contractor fitness determinations vary by Component.

5. **How is the adoption of the Cybersecurity and Infrastructure Security Agency (CISA) guidance on essential workforce being monitored?**
Chris Krebs of CISA and Rob Glenn of the Federal Emergency Management Agency’s (FEMA) National Business Emergency Operations Center (NBEOC) host twice weekly calls with industry to provide updates on the CISA guidance and answer any questions from the essential workforce.

- If you are not part of these bi-weekly calls you can send an email to: 
  CISA.CAT@CISA.DHS.GOV and request to be added to the meeting.

6. **In the event of furloughs, could DHS sponsor loans, advance payments, accelerated payments, higher percentage progress payments for their contractors?**

The Chief Procurement Officer has instructed the HCAs to use any and all flexibilities (including equitable adjustments, the Coronavirus, Aid, Relief, and Economic Security (CARES) Act, and other clauses) to help alleviate the potential burdens on DHS contractors. However, please note that government work is deemed a critical function and there are currently only a limited number of DHS contracts and contractors being affected.

7. **Can DHS assist in getting COVID-19 screening for essential workers?**

While DHS has explored ways to screen the workforce, there are also asymptomatic people that would not be identified as part of screening. DHS is exploring options of procuring screening kits to test essential workers. The priority for screening kits is front-line operators (e.g., hospitals). As always, DHS continues to follow the Centers for Disease Control (CDC) issued guidance.

8. **What additional steps, if any, are being taken to ensure cyber security requirements are met with more people teleworking?**

All staff must adhere to the policies in place to secure their GFE. Additionally, the DHS networks require certain security credentials. That exists whether an employee is working from home or in the office.

9. **What is the impact of the newly authorized federal stimulus bill to DHS and federal contractors and how can industry best prepare to meet DHS needs going forward?**

DHS actively participated with the Administration and Congress to advocate for additional funding and authorities to support the DHS efforts in protecting the
homeland. The Department appreciates that the bill includes direct funding for COVID-19 related purchases for DHS Components.

DHS will need industry partners to help meet the mission needs of the Department and respond to requests for supplies like personal protective equipment (PPE) and cleaning products needed for the DHS mission during the COVID-19 emergency.

DHS will also need industry partners to continue to find innovative ways to deliver the DHS mission while keeping their employees safe. This may mean that some contractor employees must work while others shelter in place, but DHS wants to ensure that only essential contractor employees are performing these tasks. If the tasks can be completed remotely, DHS would prefer to modify the contracts, so everyone remains safe.

10. **The Department of Defense has raised the threshold for J&As to $100 million. Will DHS follow suit?**

   Section 823 of the FY 2020 National Defense Authorization Act (NDAA) increased the exception to the justification and approval (J&A) requirement for sole-source contracts to 8(a) small businesses to $100 million. DOD has issued a deviation to the Federal Acquisition Regulation, [https://www.acq.osd.mil/dpap/policy/policyvault/USA000495-20-DPC.pdf](https://www.acq.osd.mil/dpap/policy/policyvault/USA000495-20-DPC.pdf), to implement this change. This authority is only for DOD and no other Federal agency.

11. **What should industry expect to see related to DPAS Rated Orders now that an Executive Order and National Emergency declarations are in effect?**

   DPAS authority for DHS orders, especially orders for PPE to support the DHS mission, is evolving. When there is specific information that can be shared, DHS will be sure to share it with everyone.

12. **What are some of the key provisions in the recently passed coronavirus legislation to which DHS is paying attention regarding the DHS business base?**

   DHS appreciates the many provisions within the CARES Act that benefit DHS and the American people. DHS has received funding for PPE and cleaning supplies that are needed to respond to the COVID emergencies. Additionally, DHS is aware of Section 3610 of the Act, that provides a mechanism to reimburse
companies when they grant leave rather than furloughing employees (when the work cannot be performed at the DHS work-site during the emergency nor remotely). DHS anticipates having more information available on this section in the very near future.

13. **For emergency acquisitions, do Contracting Officers need to create a sole source justification for each transaction or can the same one be used for multiple transactions for the same or similar items?**

DHS has provided Contracting Officers with the maximum flexibilities to obtain the supplies and services DHS needs to respond to the COVID-19 emergency. Many of the procurements will continue to be competitively awarded using streamlined processes. If there is an urgent requirement for an item, the contracting officer has the flexibility to limit that competition, document the circumstances and obtain the approval for the sole source after the fact. Each time this authority is used, it will be posted publicly.

Some agencies have issued broad approvals for urgent and compelling procurements in advance. DHS has not done so, but if the need arises, DHS can act quickly to ensure the Components have the supplies and services they need to perform their mission.


Section 889 of the 2019 NDAA prohibits DHS from procuring items made by certain Chinese companies. It is unlikely that there will be any different effect from this prohibition because of COVID-19. The prohibition remains in place.