



Department of Energy
Washington, DC 20585



June 22, 2020

IMPORTANT NOTICE

Subject: ARPA-E Guidance for Non-Productive Labor Charges Attributable to the COVID-19 Public Health Emergency

ARPA-E's previously issued notice, "ARPA-E Actions Owing to the COVID-19 Public Health Emergency", indicated that ARPA-E is providing administrative relief for recipients as outlined in Office of Management and Budget Memorandum M-20-17 and the Department of Energy's guidance for its implementation. As part of this administrative relief, ARPA-E has committed that:

To the extent that recipients continue to pay the salaries and benefits of their personnel, in accordance with their documented policies that address unexpected or extraordinary circumstances, and those expenses are properly distributed to all available funding sources, ARPA-E will reimburse its share of these expenses from available monies under the pertinent award(s).

Note that labor costs being claimed in accordance with this guidance (along with the associated benefits and indirect costs) should comport with the following guidelines:

1. Costs should only be submitted for recipient or sub-recipient employees who cannot perform work due to laboratory, other facility closures, or other restrictions; and are unable to telework because their job duties cannot be performed remotely during the public health emergency declared on January 31, 2020 for Coronavirus (COVID-19).
2. Labor costs should be requested at the minimum applicable award billing rates for up to an average of 40 hours per week for recipient or sub-recipient payments made no earlier than January 31, 2020.
3. The total amount requested for reimbursement should be reduced by the amount of credit a Recipient is allowed pursuant to division G of Public Law 116-127 (Families First Coronavirus Response Act) and any applicable credits a Recipient is allowed under the CARES Act. This includes any applicable loan amounts forgiven under the terms of the Paycheck Protection Program.

To help ARPA-E determine the allowability of non-productive labor expenses being requested for reimbursement, recipients must provide answers for the following questions with the submission of their invoices:

4. Have closures or other restrictions associated with the public health emergency declared on January 31, 2020 for Coronavirus (COVID-19) prevented work from being performed under the pertinent agreement? If so, identify the laboratories or other facilities that were closed, and/or restrictions that prevented work from being accomplished.

5. Are the individuals for whom reimbursement of non-productive time is being requested unable to telework because their job duties cannot be performed remotely?
6. Are the non-productive labor costs being requested at the minimum applicable billing rates for up to an average of 40 hours per week (i.e., no more than full time)?
7. Are the non-productive labor costs being requested for a time period beginning no earlier than January 31, 2020?
8. Have you received any credits (or do you anticipate claiming any as-yet undetermined credits) under division G of Public Law 116–127 (Families First Coronavirus Response Act) or the CARES Act, including loan amounts forgiven under the Paycheck Protection Program? If so, provide a brief description of the amounts received/to be claimed and how those amounts have been/will be allocated.
9. Do the individual(s) for whom reimbursement of non-productive time is being requested typically have labor costs allocated to tasks beyond this ARPA-E project? If so, provide a brief description of how the non-productive time and costs being allocated to this ARPA-E Project were determined. Also provide additional documentation as necessary to support the calculation methodology.

With regard to the supporting documentation to be submitted as part of the reimbursement request for the non-productive time claimed, note that:

10. It should effectively demonstrate the basis for the amount being requested, clearly indicating amounts attributable to the COVID-19 shutdown and the distribution of such costs across all available funding sources.
11. It should clearly indicate any costs being submitted for reimbursement by other sources and ensure recognition of all available credits, including those allowed pursuant to division G of Public Law 116–127 (Families First Coronavirus Response Act) and under the CARES Act. If the amount of a credit cannot be determined at the time reimbursement is claimed, the recipient or sub-recipient is responsible for reporting that to the Contracting Officer.
12. The certification set forth in SF 270, Block 13, is applicable to all supporting documentation provided to ARPA-E in conjunction with the submission of any invoice.

Recipients and sub-recipients are responsible for maintaining all necessary documentation to support expenses claimed under their awards. Also, recipients should not assume that additional monies will be available to offset the costs of any administrative flexibilities described herein. Inquiries may be directed to your cognizant Grants Management Specialist or to ARPA-E-CO@hq.doe.gov.

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