

From: ARC Webmaster [<mailto:nsaarc@nsaarc.net>]
Sent: Monday, September 30, 2013 10:13 AM
To: Sears, Theresa Leah
Subject: Notice to Contractors regarding Government Shutdown - Revised 27 September 2013

Dear Industry Partner,

In the event of a Government shutdown due to lack of appropriations, NSA will be sending home non-emergency Government personnel and Contractor personnel performing non-excepted functions. NSA will essentially be treating the shutdown the same way NSA handles a snow emergency (code red).

As such, this shutdown period will be governed by MPOAS clause 352.211-9002 NOTICE: GOVERNMENT CLOSURES and therefore non-excepted work may not be performed at NSA facilities. This applies to contractors located CONUS and OCONUS, except those contractors in the CENTCOM AOR.

On-site contractor personnel working on NSA contracts shall not be granted access to Agency installations during closure situations unless they are designated as personnel required to perform excepted activities, which includes critical work already in process or work pursuant to instructions by the Contracting Officer. Agency Contracting Officers will issue letters to those contractors deemed to be performing excepted functions, including an authorized staffing level. Absent such written authorization, Contractors shall assume their personnel are not performing excepted functions and not report to the Government site. Excepted status may change depending on the length of the Government shutdown. Agency Contracting Officers will notify affected contractors if there is a change in the contractor's status.

For contractors who are performing non-excepted work, performance under the contract may continue until all obligated funding has been exhausted within the specified period of performance. When funding exists on the contract and place of performance is a Government location, contractors will not be permitted access to Agency spaces and therefore cannot charge the Government. If the contract provides for both on-site and off-site place of performance and there is meaningful work for the contractor to perform at its facility, the CO or COR may agree to allow the contractor to perform work at the contractor's facility during the shutdown until contract funds are exhausted.

For contractors that have contracts with obligated funding remaining, and place of performance is at the contractor's facility, work may continue at the contractor facility until currently obligated funding is exhausted or the period of performance has expired.

No additional funding will be provided for those contracts under which non-excepted work is performed. The Agency will be unable to exercise options for non-excepted contracts in advance of appropriations. Agency officials may not authorize at risk performance by contractors performing non-excepted activities or encourage contractor employees performing non-excepted functions to work. In addition to violating the Anti-

Deficiency Act, there is no expectation that funds will ever be made available for non-exempt activities performed during a funding gap.

For contract activities designated by the contracting officer as excepted that exhaust all funding prior to an appropriation, the contractor may continue performance consistent with guidance from the contracting officer despite the funding lapse. However, payment cannot occur until appropriations are enacted.

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Regards,

The ARC Webmaster

As a registered vendor with the NSA/IC ARC you are agreeing to comply with Title 18 USC 1001.

Consequences: A violation of Title 18 USC 1001 may result in criminal sanctions or removal from the NSA/IC ARC registration.

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