



December 26, 2018

MEMORANDUM FOR: NIST Contractors

FROM: Jo-Lynn Davis, Bureau Procurement Official (Acting)  
Office of Acquisition and Agreements Management

SUBJECT: Contract Performance and a Lapse in Appropriations

A lapse in federal appropriations has occurred and the National Institute of Standards and Technology (NIST), a bureau of the U.S. Department of Commerce, has been affected. NIST operations, including operations performed under contract, have been limited to excepted activities. Access to facilities is limited, and certain personnel necessary to administer contract performance are not available.

NIST contracts and purchase orders are authorized to continue to the extent that they are not affected by the lapse in appropriations. Access to facilities and government resources, including equipment and systems, will be limited and personnel necessary to administer contract performance may not be available.

Generally, supply and service contracts that are funded beyond the date of the lapse in appropriation and do not require access to Government facilities, active administration by Government personnel or the use of Government resources in a manner that would cause the government to incur additional obligations during the lapse in appropriation may continue. If a delivery date for a contract falls during the period of a lapse in appropriations, Government personnel may not be available to receive delivery. Contractors will be directed to consult with a Contracting Officer before attempting to make a delivery. Contracts with unexercised options and contracts that are partially funded contain self-limiting terms and conditions that prohibit performance of unfunded work.

Some contracts require access to Government facilities, resources, or require the active participation of Government personnel. These contracts include those for “excepted” and “non-excepted” activities and will likely require individual attention. We are working to communicate directly with each of these contractors. However, there are a large number, and we may not be able to act on each one before attention is needed. Therefore, please communicate with a Contracting Officer if you believe you have a contract that may require access to Government facilities, resources, or active administration by Government personnel to enable performance during a lapse in appropriations and for information about “excepted” and “non-excepted” status.

If you have questions, please contact one of the Contracting Officers listed who will be available during a lapse.

Head of Contracting Office

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