



OMB Orders Agencies to Realign Operations to Slow Spread of COVID-19

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On March 17, 2020, the Office of Management and Budget (OMB) issued a memorandum ordering all agencies to adjust their respective operations in order to slow the spread of COVID-19. This memorandum was issued to further the president's Coronavirus Guidelines and his declaration of a national emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

In general, the agencies "must immediately adjust operations and services to minimize face-to-face interactions, especially at those offices or sites where people may be gathering in close proximity or where highly vulnerable populations obtain services." Exceptions will be made for those operations and services needed to protect public health and safety. Agencies are also instructed to communicate the impact on service levels to the public and seek to encourage their "customers" to delay non-time-critical transactions.

The memorandum goes on to outline numerous specific steps agencies must take. Of note to federal contractors, agencies shall:

- Reduce and re-prioritize non-mission-critical services to free up capacity for critical services;
- Identify and resolve supply challenges that may be limiting factors or bottlenecks;
- Assess professional services and labor contracts to extend telework flexibilities to contract workers wherever feasible;
- Consider streamlining regulations and approval processes for critical services, including issuing general waivers policies and delegating decision-making where appropriate; and,
- Ensure agency policies and procedures restrict individuals infected with, or at higher risk for serious illness from, COVID-19 from accessing federal facilities, in accordance with

Centers for Disease Control and Prevention (CDC) guidelines, as well as the Privacy Act of 1974, and other legal requirements. (These agency policies must specifically include considerations not only for federal employees, but also for contractors and visitors while balancing the needs to perform mission-critical functions.)

These requirements are generally consistent with the steps private industry is taking to limit the spread of the COVID-19 virus. They do, however, present the potential to impact a company's performance of its contract. Shifting resources away from a "non-mission-critical" service, for example, may slow a contractor's performance by reducing a contracting officer's availability. This may result in a suspension of performance in extreme cases. Conversely, performance tempo and volume may increase for those providing "critical" services directly related to COVID-19 relief. Contractors are advised to maintain open and constant communication with contracting officers to reduce the burden on both parties.

The OMB's memorandum can be found [here](#).

Should you need assistance addressing this or any U.S. Government Contracting concern, please contact one of Frost Brown Todd's experienced [government contract attorneys](#) to assist you during this unprecedented time.

To provide guidance and support to clients as this global public-health crisis unfolds, Frost Brown Todd has created a [Coronavirus Response Team](#). Our attorneys are on hand to answer your questions and provide guidance on how to proactively prepare for and manage any coronavirus-related threats to your business operations and workforce.

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