

September 30, 2003

PROCUREMENT MEMORANDUM 2003-07

INFORMATION

MEMORANDUM FOR Heads of Contracting Offices (HCO)

FROM: Christine A. Makris /signed/
 Deputy Director for Acquisition Management

SUBJECT: Hurricane Isabel: Contractor Claims

The purpose of this procurement memorandum is to provide guidance on dealing with possible contractor claims arising from interruptions caused by Hurricane Isabel.

It is the responsibility of contracting officers to investigate any claim and decide whether or not to approve it.

Contracting officers are advised that any claims should be considered on a case by case basis, after a full examination of the facts and circumstances involved. In evaluating claims, contracting officers should, as part of their assessment, carefully consider the provisions of the contract, the nature of the work being performed, the contract type, the place of performance, what reasonable steps were taken by the contractor to mitigate the situation, and other relevant information. Obviously, the contractor is responsible for documenting the claim in accordance with FAR requirements.

Contracting officers should consult with the Office of General Counsel, Contract Law Division, before making any final determination regarding approval of a claim.

Please direct any questions about this memorandum to Nancy Barrere at Nbarrere@doc.gov.

cc: M. Langstein, OGC