



## Use of Contract Funds for the Provision of Meals and Refreshments at Fermilab-Hosted Meetings

### I. Purpose

The purpose of this document is to provide guidelines and procedures concerning the use of contract funds for the provision of refreshments and meals at scientific, technical, or administrative meetings or reviews that are hosted, sponsored, or co-sponsored by Fermilab organizations.

### II. Applicability

This document is intended to apply to Fermilab-hosted meetings (reference FAR 31.205-43) that do not meet the definition of a conference under DOE Order 110.3A, including schools such as the U. S. Particle Accelerator School (USPAS).

### III. General Rules:

- A. It must be recognized that federal allowable cost principles which govern the use of contract funds generally view the provision of meals in the context of meetings to be an unallowable "personal" or "entertainment" expense. Exceptions must be clearly justified and documented in accordance with the guidance set forth herein. "Wrap-up" events or receptions are considered to be social activities under Federal allowable cost principles, and the cost of meals or hors d'oeuvres associated with those events constitute an unallowable cost.
- B. The principal purpose of the meeting must be for the dissemination of trade, business, technical or professional information, and the meeting must have a formal agenda.
- C. If the meeting is held at Fermilab or locally to Fermilab, at least half of the total number of attendees must be from outside Fermilab and, if affiliated with DOE or a DOE contractor, must also be on official travel.
- D. Working sessions must immediately both precede and follow the time when refreshments or meals are provided.
- E. Contract funds shall not be charged for the provision of meals to FRA/Fermilab employees attending the meeting unless they are eligible to receive per diem under the Lab's travel policy.
- F. In no event may contract funds be used for the provision of alcoholic beverages. The provision of alcoholic beverages in conjunction with a meal renders the meal unallowable.

- G. DOE Contracting Officer approval must be obtained before more than \$500 for working meals for one meeting may be charged to contract funds.

IV. Specific Guidelines:

- A. Refreshments – The term “refreshments” refers to light snacks and beverages customarily available during morning and afternoon meeting breaks that are a scheduled part of the meeting agenda and that serve to foster participation in the meeting. Contract funds may be used for the provision of light refreshments (plus associated costs for service and/or labor) for beverages such as coffee, tea, juice, or soft drinks, and light snacks such as donuts, bagels, muffins, fruit, cookies, or chips. The amount and variety of the refreshments provided should be no greater than what is appropriate for the expected number of attendees.
- B. Meals – Working Lunch – Contract funds may be used for a working lunch in accordance with the General Rules above only when the Division/Section/Center Head, School Director, or Directorate official responsible for the Project/Task funds being utilized formally determines and documents that the meal is an integral and inseparable part of the meeting agenda, and that taking a break from proceedings for the meal would irreparably damage the meeting purpose.

The cost of food per expected attendee should not exceed the applicable lunch rate under the GSA (Federal Travel Regulation) MI&E allowance breakdown for the meeting location. For purposes of comparison to the MI&E allowance, only food costs should be considered. Labor and other non-food costs associated with the meal may be charged to contract funds on an apportioned basis based on the allowable portion of the food costs.

- C. Meals – Working Dinner – In rare cases, contract funds may be used for a working dinner in accordance with the General Rules above. This may be done only when the Division/Section/Center Head, School Director, or Directorate official responsible for the Project/Task funds being utilized formally determines and documents that working sessions must unavoidably be scheduled to run well past the normal dinner hour, that the meal is an integral and inseparable part of the meeting agenda, and that taking a break from proceedings for the meal would irreparably damage the meeting purpose.

The cost of food per expected attendee should not exceed the applicable dinner rate under the GSA (Federal Travel Regulation) MI&E allowance breakdown for the meeting location. For purposes of comparison to the MI&E allowance, only food costs should be considered. Labor and other non-food costs associated with the meal may be charged to contract funds on an apportioned basis based on the allowable portion of the food costs.

D. Continental Breakfast – In the following special situation, the general rule concerning preceding and subsequent working sessions does not apply to continental breakfast:

- On-site or local Fermilab public outreach activities, the purpose of which is to educate and/or train selected members of the public about Laboratory programs and activities and to seek their input, where the meeting or session must be held during the normal breakfast period in order to allow the non-Fermilab attendees to go to their places of employment with a minimum of disruption to their normal workday schedules.
  - i. In the above special situation, use of contract funds is authorized for the provision of a continental breakfast only when the Division/Section/Center Head responsible for the meeting (or, if appropriate, the Head of the Office of Communication) formally determines and documents that the meeting cannot reasonably be scheduled at another time of the day and the provision of a continental breakfast will facilitate the conduct of the meeting.
  - ii. Use of contract funds for the provision of on-site or local continental breakfast is limited to no more than 6 such meetings during a fiscal year.
  - iii. All other General Rules apply.

With respect to the types, amount, and variety of food and beverage items that may be provided, the guidance set forth above for “Refreshments” should be followed, except that light breakfast items such as dry cereals or yogurt may also be provided.

V. Procedures:

A. Fermilab organizations intending to use contract funds for meeting refreshments, meals, or continental breakfasts must complete a Facilities Request Form (FRF) at least two weeks prior to the event. The FRF can be obtained from the Fermilab Home Page/Fermilab at Work/Policies and Forms. Applicable Project/Task codes shall be identified before submitting the FRF.

B. Before the FRF can be approved by the Chief Operating Officer or designee, the following documentation should be sent in a separate memo or e-mail to the FRF Coordinator, MS-200:

- 1) A list of all expected meeting attendees and their affiliation.
- 2) A justification statement from the responsible Division/Section/Center Head (or, if appropriate in the case of continental breakfasts, the Head of the Office of Communication or the School Director) concerning the use of contract funds for the provision of the refreshments, meals, or continental breakfasts.
  - i. In the case of the use of contract funds for refreshments, the justification statement must include an affirmation that the General Rules above are being followed and a brief discussion of the rationale of how the provision of refreshments will serve to foster participation in the particular meeting.
  - ii. In the case of the use of contract funds for meals, in addition to the same affirmation as in i) above, the justification statement must include the determination (accompanied by a brief discussion of the rationale that supports such a determination) called for in the above sections on “Working Lunch” or “Working Dinner.”
  - iii. In the case of the use of contract funds for the provision of a continental breakfast, the responsible Division/Section/Center Head, Head of the Office of Communication, or School Director shall include in the justification statement an affirmation that all applicable General Rules are being followed and a brief discussion of the rationale concerning why the meeting must be scheduled during the normal breakfast period.
- 3) A copy of the agenda of the entire meeting should be provided when the FRF is submitted. If the final agenda is not available at the time that the FRF is submitted, a draft agenda should be provided at that time, and the final version should be submitted once it has been established. Where working meals using contract funds are to be

provided, the agenda must include comments that indicate that meeting business continues through the meal period(s) involved.

- C. Upon the completion of a meeting where working meals using contract funds were provided, a final list of attendees and notes pertaining to the specifics of business discussed or conducted during the meals must be submitted to the FRF Coordinator at the above address for inclusion with the foregoing documentation.
- D. Where it is anticipated at the time of the submission of the FRF that the amount of contract funds to be used for the provision of working meals at the meeting will exceed the \$500 threshold per the General Rules above, the FRF Coordinator should be so advised at that time and provided with an estimate based on information known or available at that time of the meal costs that will be charged to contract funds. The Directorate then will either seek to obtain DOE Contracting Officer approval at that time, or give conditional approval for the use of contract funds or such other guidance on the use of funds as may be necessary.

In the case of a meeting for which the amount of contract funds to be used for working meals was not expected to exceed that threshold at the time the FRF was submitted, but is later ascertained (normally by the Fermilab Accounting Department) to have exceeded that threshold, the FRF Coordinator should be so advised and provided documentation concerning the overage. In that case, the Directorate will either seek DOE Contracting Officer approval at that time, or provide guidance concerning the funds to be charged.