

This directive was reviewed and certified as current and necessary by Susan J. Grant, Director, Office of Management, Budget and Evaluation/Chief Financial Officer, 1-24-05.

**SUBJECT: WORK FOR OTHERS (NON-DEPARTMENT OF ENERGY FUNDED WORK)**

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1. **OBJECTIVES.** Work for Others (WFO) is the performance of work for non-Department of Energy (DOE) entities by DOE/National Nuclear Security Administration (NNSA) personnel and/or their respective contractor personnel or the use of DOE/NNSA facilities for work that is not directly funded by DOE/NNSA appropriations. WFO has the following objectives.
  - a. To provide assistance to Federal agencies and non-Federal entities in accomplishing goals that may be otherwise unattainable and to avoid duplication of effort at Federal facilities.
  - b. To provide access for non-DOE/non-NNSA entities to highly specialized or unique DOE/NNSA facilities, services, or technical expertise when private sector facilities are inadequate.
  - c. To increase research and development interaction between DOE/NNSA facilities and industry to transfer technology originating at DOE/NNSA facilities to industry for further development or commercialization.
  - d. To maintain core competencies and enhance the science and technology base at DOE/NNSA facilities.
2. **CANCELLATION.** DOE O 481.1B, *Work for Others (Non-Department of Energy Funded Work)*, dated 9-28-01. Cancellation of this Order does not, by itself, modify or otherwise affect any contractual obligation to comply with this Order. DOE O 481.1B, and the associated Contractor Requirements Document (CRD) may not be removed from a facility management contract until such time that DEAR 970.5217-1, "Work for Others Program" clause has been incorporated into the contract. Canceled Orders that are incorporated by reference in a contract remain in effect until the contract is modified to delete reference to requirements in the canceled Orders.
3. **APPLICABILITY.**
  - a. **Primary DOE Organizations, Including National Nuclear Security Administration (NNSA).** Except for the exclusions in paragraph 3c, the provisions of this Order apply to all Primary DOE Organizations performing WFO as provided by law or contract and as implemented by the appropriate DOE/NNSA contracting officer or authorized designee (see Attachment 1 for a complete list of Primary DOE Organizations). This Directive automatically applies to Primary DOE Organizations created after it is issued.

- b. DOE Contractors. This Order does not apply to contractors.
- c. Exclusions. This Order does *not* apply to the following.
  - (1) Services, products, or materials regularly produced for sale at schedule rates under Departmental programs (e.g., routine irradiation services, isotopes, heavy water, transmission of electricity, uranium enrichment services, Naval Petroleum Reserve oil sales).
  - (2) Work performed by non-DOE/non-NNSA contractor personnel at a DOE-approved user facility (e.g., the National Synchrotron Light Source) or at a NNSA Defense Programs Technology Deployment Center/User Facility (e.g., the Electronics Quality Reliability Center).
  - (3) Activities funded under the Contributed Funds Act of 1921 [Title 43 United States Code (U.S.C.) 395] or emergencies involving the protection of life, Federal lands, buildings, or equipment or law enforcement, disaster assistance, or production and maintenance of the power distribution system.
  - (4) DOE/NNSA-funded work or services performed by one DOE/NNSA site/facility management contractor for another.
  - (5) Visits or assignments of foreign nationals to DOE/NNSA facilities.
  - (6) Consulting services by employees not identifying themselves as DOE/NNSA or DOE/NNSA site/facility management contractor representatives.
  - (7) Cooperative Research and Development Agreements (CRADAs) performed under the National Competitiveness Technology Transfer Act of 1989.
  - (8) Work for the NNSA Naval Nuclear Propulsion Program.
  - (9) Assignments under the Intergovernmental Personnel Act of 1970 (5 U.S.C. §§ 3371-3375).
  - (10) Work directly funded by the Department of Homeland Security as defined in DOE N 481.1A, Reimbursable Work Performed for the Department of Homeland Security, dated 4-21-03.
  - (11) Consistent with Secretarial Delegation Order Number 00-033.00A to the Administrator and Chief Executive Officer, Bonneville Power Administration, this Directive does not apply to Work for Others performed at Bonneville Power Administration.

4. REQUIREMENTS. It is Departmental policy that DOE/NNSA resources are made available to non-DOE/non-NNSA entities. Requirements of DOE/NNSA directives, applicable regulations, and the following requirements must be satisfied before work is performed.
  - a. In operating DOE/NNSA Federally Funded Research and Development centers (FFRDCs) or other facilities, a contractor may not respond to Requests For Proposals (RFPs) or other solicitations from another Federal agency or non-Federal entity that involves head-to-head competition as an offeror team member, or subcontractor to an offeror.
  - b. When these requirements are met and following notification to the cognizant field office, a DOE/NNSA site/facility management contractor operating an FFRDC or other DOE/NNSA facility may respond to Broad Agency Announcements, financial assistance solicitations, Program Research and Development Announcements, and similar solicitations from other Federal agencies or non-Federal entities that do not result in head-to-head competition, subject to the requirements of this Order. These solicitations must meet the following requirements.
    - (1) The solicitation must be a general research announcement used for the acquisition of basic or applied research to further advance scientific knowledge or understanding rather than focus on a specific system or hardware solution.
    - (2) Evaluation and selection is performed through a merit or peer review process using pre-established general selection criteria.
    - (3) The primary basis for selection is technical approach, importance to the Agency, and funds availability.
  - c. For work performed in the field, the following determinations must be made and certified in writing by the responsible DOE/NNSA contracting officer or authorized DOE/NNSA designee. For work performed at Headquarters, these determinations must be made and certified in writing by a DOE/NNSA authorized designee. Certification must not be delegated to the contractor. The proposed work—
    - (1) is consistent with or complementary to missions of DOE/NNSA and the facility to which the work is to be assigned,
    - (2) will not adversely impact programs assigned to the facility,
    - (3) will not place the facility in direct competition with the domestic private sector, and
    - (4) will not create a detrimental future burden on DOE/NNSA resources.

- d. In addition to paragraph 4c, above, all Federal agencies must provide on or with the funding document a written statement [example below] confirming that—
- (1) the requesting Agency has determined that entering into an agreement with DOE/NNSA is in compliance with the requirements of the Economy Act of 1932, as amended (31 U.S.C. 1535), or other applicable authorizations [e.g., Executive Order (E.O.) 12333];
  - (2) the requesting Agency has determined that entering into an agreement with DOE/NNSA is in compliance with competition requirements in Federal Acquisition Regulation (FAR) Part 6, section 6.002, Limitations; and
  - (3) to the best of the requesting Agency's knowledge, the work will not place DOE/NNSA and their contractors in direct competition with the domestic private sector.

Sample Statement from a Federal Agency

*This agreement is entered into pursuant to the authority of the Economy Act of 1932, as amended (31 U.S.C. 1535,) or other statutory authority references and adheres to Federal Acquisition Regulation (FAR) 6.002. To the best of our knowledge, the work requested will not place DOE/NNSA and its contractor in direct competition with the domestic private sector.*

- e. The requirements of paragraphs 4a–4d must be met before a WFO project is accepted and before modifications are made that are outside the scope of an existing agreement.
- NOTE: For previously approved work with schedule and/or cost changes but no change in scope, reapplying the determinations and certification process is not required.
- f. Pricing of work must be in accordance with DOE O 522.1, *Pricing of Departmental Materials and Services*, dated 11-03-04, and standards prescribed in the Chief Financial Officer's memorandum dated October 29, 1998 (online at <http://www.mbe.doe.gov/policy/mgtacct/charges.pdf>).
- g. Before WFO construction that exceeds the general plant project (GPP) threshold at a DOE/NNSA site can begin, approval must be granted by the cognizant DOE Secretarial Officer with concurrence of the DOE Chief Financial Officer for a DOE site, or for a NNSA site, the NNSA Associate Administrator for Management and Administration must approve with the concurrence of the NNSA Director, Office of Field Financial Management. Projects must meet the following requirements.

- (1) Construction projects must be performed according to requirements of DOE O 413.3, *Program Project Management for the Acquisition of Capital Assets*, dated, 10-13-00.
  - (2) Upon completion, title for permanent construction must vest in DOE/NNSA.
- h. Equipment acquired as part of a project must be accounted for and maintained in the same manner as DOE/NNSA property. Disposition of equipment must be as previously agreed or as instructed by the sponsor. Equipment shipping costs are the responsibility of the sponsor.
- i. If subcontracting is necessary, the DOE/NNSA contractor must select the subcontractor and the work to be subcontracted. Work subcontracted is to be in direct support of the DOE/NNSA contractor.
- j. Intelligence activities must be conducted in accordance with—
  - (1) E.O. 12333 (and other Executive orders and Presidential directives),
  - (2) U.S. laws and statutes,
  - (3) Director, Central Intelligence, directives, and
  - (4) DOE intelligence procedures.
- k. Special Access Program (SAP) work requires the approval of the DOE SAP Oversight Committee. Intelligence-related SAPs will be reviewed and approved by the Director, Office of Intelligence.
- l. Work directly funded by a foreign sponsor and performed at a non-NNSA facility requires the review and concurrence of the Office of International Science and Technology Cooperation and the cognizant program office.
- m. Work directly funded by a foreign sponsor and performed at an NNSA facility requires the review and concurrence of the NNSA Office of Institutional and Joint Programs.
- n. Work for Others activities involving human subjects, including research that is classified and proprietary, whether performed domestically or in an international environment, can begin only if it is conducted in compliance with Federal regulations and DOE/NNSA requirements for human subject protection.
- o. Work that involves a space nuclear reactor or non-commercial power reactor and radioisotope power source projects at non-NNSA facilities requires the concurrence of the Director, Office of Space and Defense Power Systems. Such

work, when performed at an NNSA facility, requires coordination with the NNSA Office of Institutional and Joint Programs.

- p. Cost estimates for federally sponsored work must specifically identify the amount of laboratory directed research and development (LDRD) funds to be collected as part of the project costs. The following language must be included in each WFO funding acceptance document unless a formal agreement has been reached between DOE/NNSA and the sponsoring Federal agency.

*Consistent with the Department of Energy's (DOE's) full cost recovery policy, DOE collects, as part of its standard indirect cost rate, a laboratory directed research and development (LDRD) cost. Based on the amount of funds accepted for this project, \$\_\_\_\_\_ represents an estimated amount that will be used for LDRD.*

5. RESPONSIBILITIES—NON-NNSA ENTITIES WITHIN DOE. In keeping with Section 3213 of the National Defense Authorization Act for Fiscal Year 2000 (P.L. 106-65), WFO responsibilities have been separated into DOE organizational responsibilities, below, and NNSA organizational responsibilities (paragraph 6).

- a. Director, Office of Management, Budget and Evaluation/Chief Financial Officer.

- (1) Establishes DOE WFO policies with cognizant Secretarial Officers and NNSA officials.<sup>1</sup>
- (2) Prepares an annual summary report of WFO performed by DOE.
- (3) Conducts periodic reviews of the implementation of this Order by Secretarial Officers and heads of field elements.
- (4) Approves requests for excluding non-NNSA WFO projects from requirements of this Order [for NNSA exclusions see paragraph 6b(4)].
- (5) Develops, maintains, and updates the standard WFO agreement for non-Federal sponsors. (Refer to DOE M 481.1-1A, *Reimbursable Work for Non-Federal Sponsors Process Manual*, dated 9-28-01.)
- (6) Develops and maintains financial information on WFO and prepares financial reports as necessary.

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<sup>1</sup>NNSA officials whose responsibilities parallel those of DOE Secretarial Officers are Deputy Administrators and Assistant Deputy Administrators.

- (7) Coordinates with responsible program Secretarial Officers to ensure the availability of funds for WFO projects accepted and performed at Headquarters.
  - (8) Concurs on WFO construction projects that exceed the GPP threshold established by the DOE Chief Financial Officer.
- b. Director, Office of Procurement and Assistance Management. For projects accepted by Headquarters elements, ensures that the Director, Office of Headquarters Procurement Services (or an authorized designee), has reviewed and accepted non-NNSA projects (unless delegated as in paragraph 5k(1) or 5k(2).
- c. Office of International Science and Technology Cooperation. To ensure consistency with international agreements and foreign policy objectives, reviews and concurs on all non-NNSA WFO requests directly funded by foreign sponsors.
- d. DOE General Counsel/Field Counsel.
- (1) Provides legal advice and representation on WFO issues.
  - (2) Establishes policy on patent and technical data.
  - (3) Advises on patent and technical data clauses of contracts.
  - (4) Approves waiver of patent rights.
- e. Associate Director, Office of Biological and Environmental Research. Oversees the established DOE system to ensure that proposed WFO research, using human or animal subjects, complies with established Federal regulations and DOE requirements for the protection of these subjects.
- f. Director, Office of Intelligence.
- (1) Reviews and approves proposed intelligence and intelligence-related WFO projects and intelligence SAPs.
  - (2) Coordinates program review of intelligence-related WFO projects with the participation of appropriate field elements.
  - (3) Reviews intelligence-related WFO projects for duplication of effort.
  - (4) Serves as central point of contact for coordination with sponsors of intelligence-related WFO.
  - (5) Ensures that the cognizant Secretarial Officer is informed of problems in field management of intelligence-related WFO.

- g. NNSA Assistant Deputy Administrator, Office of Nonproliferation Research and Engineering. Reviews all WFO nuclear nonproliferation detection technology projects.
- h. Director, Office of Space and Defense Power Systems. Reviews and concurs on non-NNSA proposals involving space nuclear reactor, non-commercial power reactor, and radioisotope power source projects.

NOTE: Nuclear Regulatory Commission (NRC), fusion, weapons-related activities, naval propulsion reactors, and experimental reactors to establish an appropriate nuclear energy management role are excluded.

- i. Director, Office of Security and Safety Performance Assurance. Provides for the conduct of independent evaluations to assess the effectiveness of environment, safety, and health and safeguards and security of WFO.
- j. Program Secretarial Officers.

- (1) For work that is accepted at Headquarters but performed in the field, the cognizant field element must meet the requirements of this Order (paragraph 4) before the responsible program Secretarial Officer can accept the project.

NOTE: If the responsible program Secretarial Officer has not been delegated authority to accept reimbursable agreements, the Director, Office of Procurement and Assistance Management, will accept for non-NNSA projects.

- (2) For work accepted and performed at Headquarters, the responsible program Secretarial Officer will satisfy requirements of this Order (paragraph 4) and obtain concurrence from the Office of the Chief Financial Officer before accepting a project. Once completed, forward all copies of all information to the cognizant field element.

NOTE: If the responsible program Secretarial Officer has not been delegated authority to accept reimbursable agreements, the Office of Headquarters Procurement Services will accept for non-NNSA sites.

- (3) Review and concur in foreign-sponsored WFO agreements that use program developed technologies.
- (4) For work accepted and performed at Headquarters involving human and/or animal subjects, ensure that DOE and/or contractors review proposed WFO projects for compliance with established Federal regulations and DOE requirements for protection of these subjects.



k. Cognizant Secretarial Officers.

- (1) Develop and recommend changes in WFO policies to the Director, Office of Management, Budget and Evaluation.
- (2) Notify other Secretarial Officers of significant or sensitive WFO projects [see paragraph 5l(5)].
- (3) After obtaining concurrence from the Office of the Chief Financial Officer and/or Director, Office of Field Financial Management, approve facility construction that exceeds the GPP threshold.
- (4) For DOE facilities under their cognizance—
  - (a) approve annual WFO levels and requests for level increases in conjunction with recommendations of responsible heads of field elements, and
  - (b) review the WFO Program annually to ensure consistency with WFO policies and procedures.

l. Heads of DOE Field Elements.

- (1) Function as Departmental managers for WFO conducted at facilities under their purview.  

NOTE: In this capacity, heads of field elements are accountable to the cognizant Secretarial Officers.
- (2) Develop and implement procedures for review, acceptance, authorization, and monitoring of WFO consistent with DOE policies and procedures and encourage parallel review and processing by DOE, the sponsor, and the site/facility management contractor.
- (3) Conduct periodic review of contractor policies and procedures for negotiating and administering WFO projects.
- (4) For facilities under their purview—
  - (a) recommend annual WFO levels for the cognizant Secretarial Officer's approval,
  - (b) monitor WFO levels to ensure consistency with the levels approved by the cognizant Secretarial Officer, and
  - (c) submit requests for level increases to the cognizant Secretarial Officer.

- (5) Notify the cognizant Secretarial Officer of WFO projects that involve sensitive subjects.
- (6) Ensure that DOE and/or contractor representatives review proposed WFO projects involving human and/or animal subjects for compliance with established Federal regulations and DOE requirements for protecting these subjects.
- (7) Ensure that WFO projects under their purview are protected in accordance with applicable DOE security, safeguards, and classification policies; site security plans; and supplemental security plans specific to the projects.
- (8) Ensure that DOE and contractors review projects for compliance with the National Environmental Policy Act of 1969 and other environment, safety, and health requirements.
- (9) Ensure that the appropriate Headquarters element is involved in the WFO review process.
- (10) Establish and implement closeout procedures for WFO projects.
- (11) Ensure that resulting scientific and technical information is disseminated consistent with existing DOE Orders and regulations.
- (12) Establish performance goals and measures to assess field performance, the effectiveness of local WFO processes, and the impact of subsequent improvement and additional requirements.
- (13) Ensure that a summary of each active WFO project is maintained. At minimum, the information should include—
  - (a) project title and description,
  - (b) sponsoring Agency,
  - (c) assigned laboratory or contractor,
  - (d) field points of contact,
  - (e) total estimated cost, and
  - (f) estimated start and completion dates.
- (14) Ensure that project information documenting policy compliance is maintained by DOE and/or the performing contractor.

- (15) By December 10 each year, submit to the cognizant Secretarial Officer and the Director, Office of Management, Budget and Evaluation, an annual WFO report for facilities under their purview.
- (16) In coordination with cognizant Secretarial Officers, submit to the Director, Office of Management, Budget and Evaluation, requests to grant exclusions from the requirements of this Order for non-NNSA projects.
- (17) Ensure that projects directly funded by foreign sponsors and performed at non-NNSA sites are reviewed, have the concurrence of the Office of International Science and Technology Cooperation, and are coordinated with the appropriate program Secretarial Offices.
- (18) Assess and approve delegation of authority to contractors for executing bilateral sales contracts with non-Federal entities consistent with DOE-approved standard terms and conditions and satisfy the requirements of this Order and DOE M 481.1-1A.

6. RESPONSIBILITIES—NNSA ORGANIZATIONS.

a. Associate Administrator for Management and Administration.

- (1) Working in coordination with the DOE Office of Management, Budget and Evaluation and other Program Secretarial Officers, establish DOE WFO policies.
- (2) Develops and implements WFO procedural guidance for NNSA organizations.
- (3) Prepares an annual summary report of WFO performed by NNSA.

b. NNSA Director, Office of Field Financial Management.

- (1) Conducts periodic reviews of the implementation of this Order by NNSA headquarters and heads of field elements
- (2) Develops and maintains financial information on WFO and prepares financial reports as necessary.
- (3) Coordinates with responsible Deputy Administrators to ensure the availability of funds for WFO projects accepted and performed at Headquarters.
- (4) Concurs on construction projects that exceed the GPP threshold.
- (5) Approves requests for excluding WFO projects from requirements of this Order for NNSA sites in coordination with the DOE Director, Office of Management Budget and Evaluation.

- (6) Provides concurrence in the development and updating of the standard WFO agreement for non-Federal sponsors (DOE M 481.1-1A).
- c. NNSA General Counsel or NNSA Field Counsel.
- (1) Provides legal advice and representation on issues related to the WFO program.
  - (2) Establishes policy on patent and technical data in coordination with the DOE Assistant General Counsel for Technology Transfer.
  - (3) Advises on patent and technical data clauses of contracts in coordination with the DOE Assistant General Counsel for Technology Transfer.
  - (4) Coordinates the approval of waiver of patent rights with the DOE Assistant General Counsel for Technology Transfer.
- d. Director, Office of Intelligence.
- (1) Reviews and approves proposed intelligence and intelligence-related WFO and intelligence SAPs through the appropriate site office.
  - (2) Coordinates program review of intelligence-related WFO projects with the participation of appropriate field elements.
  - (3) Reviews intelligence-related WFO for duplication of effort.
  - (4) Serves as central point of contact for coordination with sponsors of intelligence-related WFO.
  - (5) Ensures that the NNSA Administrator is informed of problems in intelligence-related WFO at NNSA facilities.
- e. NNSA Assistant Deputy Administrator, Office of Nonproliferation Research and Engineering. Reviews and provides comments on WFO nuclear nonproliferation detection technology projects to the NNSA Office of Institutional and Joint Programs for action.
- f. NNSA Deputy Administrators. Responsible for the overall management and oversight of WFO activities at their sites. Responsibilities include the following.
- (1) Develop and recommend changes in WFO policies to the NNSA Associate Administrator for Management and Administration.
  - (2) For work that is accepted at Headquarters but performed in the field, the cognizant field element must meet the requirements of paragraph 4 before the responsible NNSA Deputy Administrator can accept the project.

NOTE: If the responsible Deputy Administrator has not been delegated authority to accept reimbursable agreements, the NNSA Director, Office of Field Financial Management, or designee will accept for NNSA projects.

- (3) For WFO accepted and to be performed at Headquarters, satisfy requirements of paragraph 4, before accepting projects.
- (4) Review and concur in foreign-sponsored WFO agreements that use NNSA program developed technologies.
- (5) For work accepted and performed at Headquarters, ensure that NNSA and/or contractors review proposed WFO projects involving human or animal subjects for compliance with established Federal regulations and NNSA requirements for the protection of these subjects.
- (6) Notify appropriate Secretarial Officers of significant or sensitive WFO.
- (7) After obtaining concurrence from the Director, Office of Field Financial Management, approve facility construction that exceeds the GPP threshold.
- (8) For NNSA facilities under their cognizance—
  - (a) approve annual WFO levels and requests for level increases in conjunction with recommendations of the responsible heads of field elements and
  - (b) review the WFO program annually to ensure consistency with DOE/NNSA policies and procedures.

g. Site Office Managers.

- (1) Function as administrative managers for WFO conducted at NNSA facilities under their purview.

NOTE: In this capacity, site office managers are accountable to the cognizant NNSA Deputy Administrator.
- (2) Develop and implement procedures for WFO review, acceptance, authorization, and monitoring consistent with NNSA policies and procedures.
- (3) Encourage parallel review and processing by NNSA, the sponsor, and the site/facility management contractor.
- (4) Conduct periodic review of contractor policies and procedures for negotiating and administering WFO projects.

- (5) For facilities under their purview—
  - (a) recommend annual WFO levels for the cognizant NNSA Deputy Administrator's approval,
  - (b) monitor WFO levels to ensure consistency with the levels approved by the cognizant NNSA Deputy Administrator, and
  - (c) submit request for level increases from the cognizant NNSA Deputy Administrator.
- (6) Notify the cognizant NNSA Deputy Administrator of WFO projects that involve sensitive subjects.
- (7) Ensure that NNSA and/or contractors review proposed WFO projects involving human and/or animal subjects for compliance with established Federal regulations and NNSA requirements for protecting these subjects.
- (8) Ensure that WFO projects under their purview are protected in accordance with applicable NNSA security, safeguards, and classification policies; site security plans; and supplemental security plans specific to the project.
- (9) Ensure that NNSA and contractors review WFO for compliance with the National Environmental Policy Act of 1969 and other NNSA environment, safety, and health requirements.
- (10) Coordinate with the NNSA Office of Institutional and Joint Programs to ensure that appropriate Headquarters elements are involved in the review process.
- (11) Establish and implement closeout procedures for WFO. Ensure that resulting scientific and technical information is disseminated consistent with existing DOE/NNSA Orders and regulations.
- (12) Establish performance goals and measures to assess field performance, effectiveness of local WFO processes, and impact of subsequent improvements or additional requirements.
- (13) Ensure that a summary of each active WFO project is maintained. At minimum, the information should include—
  - (a) project title and description,
  - (b) sponsoring Agency,

- (c) assigned laboratory or contractor,
  - (d) field points of contact,
  - (e) total estimated costs, and
  - (f) estimated start and completion dates.
- (14) Ensure that project file information documenting policy compliance is maintained by NNSA and/or the performing contractor.
  - (15) By December 10 each year, submit to the cognizant NNSA Deputy Administrator and the DOE Director, Office of Management, Budget and Evaluation an annual WFO report for facilities under their purview.
  - (16) Submit to the cognizant Deputy Administrator requests for exclusion from requirements of this Order.
  - (17) Ensure that projects directly funded by foreign sponsors and performed at NNSA sites are reviewed and have concurrence from the NNSA Office of Institutional and Joint Programs.
  - (18) Assess and approve delegation of authority to the contractor for executing bilateral sales contracts with non-Federal entities consistent with DOE-/NNSA-approved standard terms and conditions and in compliance with the requirements of this Order and DOE M 481.1-1A.

7. REFERENCES.

- a. DOE O 522.1, Pricing of Departmental Materials and Services, dated 11-03-04, which establishes requirements and assigns responsibilities for setting prices and charges for materials or services sold or provided by DOE, either directly or through site/facility management contractors, to organizations and persons outside DOE/NNSA.
- b. DOE O 241.1A, Scientific and Technical Information Management, dated 4-9-01, which establishes requirements and assigns responsibilities to ensure that scientific and technical information emanating from DOE research is appropriately identified, processed, disseminated, and preserved.
- c. DOE P 443.1, Policy on the Protection of Human Subjects, dated 05-15-00, which defines the DOE policy for the protection of human subjects in research activities.
- d. DOE O 443.1 Protection of Human Subjects, dated 05-15-00, which establishes the procedures and responsibilities for implementing the policy and requirements set forth in 10 CFR Part 745 and in DOE P 443.1.

- e. DOE M 471.2-3A, Special Access Program Policies, Responsibilities, and Procedures, dated 7-11-02, which delineates policies, responsibilities, and procedures for SAP projects.
- f. DOE M 475.1-1A, Identifying Classified Information, dated 2-26-01, which specifies responsibilities, authorities, policies, and procedures for management of the DOE Classification System.
- g. DOE M 481.1-1A, Reimbursable Work for Non-Federal Sponsors Process Manual, dated 9-28-01, which defines requirements for performance of work for non-DOE/non-NNSA entities by DOE/NNSA and contractor personnel and for use of DOE/NNSA facilities for work that is not directly funded by DOE/NNSA appropriations.
- h. DOE G 241.1-1A, Guide to the Management of Scientific and Technical Information, dated 11-23-01, which specifies processes and procedures for implementing objectives, requirements, and responsibilities of DOE O 241.1A.
- i. Department of Energy Accounting Handbook, dated 9-8-98, Chapter XIII, Reimbursable Work, Revenues, and Other Collections, which establishes DOE-/NNSA-wide financial policy and procedural guidance for certain interagency reimbursable actions and reimbursable actions with non DOE/non NNSA entities.
- j. DOE Procedures for Intelligence Activities, which provide supplemental guidance/requirements for the conduct of intelligence WFO.
- k. The Atomic Energy Act of 1954 (P.L. 83-303), as amended (42 U.S.C. 2011 et seq.), Sections 31, 32, and 33, which authorize the conduct of research and development and certain training activities for non-DOE/non-NNSA entities, provided that private facilities or laboratories are inadequate for that purpose. It authorizes such charges as may be appropriate for the conduct of those activities.
- l. The Contributed Funds Act of 1921 (43 U.S.C. 395), which permits contributions from a non-Federal participant or partner toward the cost of a project.
- m. The Economy Act of 1932, as amended (31 U.S.C. 1535), which authorizes an Agency to place orders for goods and services, subject to availability, with another Government agency when the head of the ordering Agency determines that it is in the best interest of the Government.
- n. The Energy Reorganization Act of 1974 (P.L. 93-438), Section 205 (42 U.S.C. 5845), which requires Federal agencies to furnish to the NRC, on a reimbursable basis, such research services as NRC deems necessary and requests for the performance of its function.



- o. The Intergovernmental Cooperation Act of 1968, as amended, (31 U.S.C. 6505), which authorizes Federal agencies to perform work for State and local governments in accordance with the requirements of Office of Management and Budget (OMB) Circular A-97.
  - p. The National Competitiveness Technology Transfer Act of 1989 (P.L. 101-189), Sections 3131, 3132, 3133, and 3159, which prescribe technology transfer as a DOE mission.
  - q. The National Environmental Policy Act of 1969 (P.L. 91-190), which encourages efforts to prevent or eliminate damage to the environment.
  - r. The National Defense Authorization Act for Fiscal Year 2000 (P.L. 106-65), dated 9-5-99, which establishes NNSA responsibilities.
  - s. The Stevenson-Wydler Technology Innovation Act of 1980 (P.L. 96-480), as amended, Section 11, which states as public policy that the Federal Government must strive to transfer Federally owned or originated technology to State and local governments and the private sector.
  - t. E.O. 12333, United States Intelligence Activities, part 1.13, which establishes responsibilities for DOE to support the U.S. intelligence community by providing expert technical, analytical, and research capability to others within the intelligence community and by anticipating how DOE can contribute to the formulation of intelligence collection and analysis requirements.
  - u. FAR 17.5, "Interagency Acquisitions under the Economy Act," which prescribes policies and procedures for a Federal agency to obtain supplies or services from another Federal agency.
  - v. FAR 35.017, "Federally Funded Research and Development Centers (FFRDCs)," which establishes Government-wide policies for review and termination of FFRDCs.
  - w. OMB Circular A-97, which defines rules and regulations permitting Federal agencies to provide specialized or technical services to State and local units of government under Title III of the Intergovernmental Cooperation Act of 1968.
  - x. Title 10 Code of Federal Regulations (CFR) Part 745, "Protection of Human Subjects," which sets out Federal regulations for DOE for protecting human subjects of research activities.
8. DEFINITIONS. The following terms apply to WFO conducted through DOE/NNSA and their contractors.
- a. Acceptance. The official signing of a reimbursable agreement (e.g., bilateral sales contract or interagency agreement) by a DOE/NNSA contracting officer or an

official with delegated authority to commit DOE/NNSA and their contractors to perform work for others.

- b. Bilateral Sales Contract. A binding agreement that commits DOE, NNSA or a DOE/NNSA site/facility management contractor to work for a non-Federal entity.
- c. Cognizant Secretarial Officers/NNSA Administrators. Headquarters Assistant Secretaries, Deputy Administrators and Directors responsible for oversight or institutional management of DOE/NNSA facilities.
- d. Site/Facility Management Contractors. Operate and maintain Government-owned facilities under contract with and for the benefit of DOE/NNSA.
- e. Heads of Field Elements/Site Office Managers. Officials who direct activities of DOE/NNSA field or site offices and field organizations reporting directly to Headquarters.
- f. Human Subjects. Living individuals about whom a researcher obtains data through intervention or interaction with the individual or through identifiable information.
- g. Intelligence-Related Work for Others.
  - (1) Work directly funded by intelligence appropriations or by an organization specifically identified in E.O. 12333 as an intelligence organization.
  - (2) Work funded by either the National Foreign Intelligence Program or the Tactical Intelligence and Related Activities Program.
  - (3) Work for which the cognizant technical DOE Headquarters official is the Director, Office of Intelligence.
- h. Interagency Agreement. Provides funding, billing, and payment data in support of a reimbursable agreement. The format of the requesting Agency is acceptable as long as it contains the appropriate elements as outlined in this Order. Agreements with non-Federal customers require bilateral sales contracts.
- i. Non-DOE Entities. Federal agencies; State, regional, and local governments; private or commercial firms; not-for-profit organizations; international organizations; and foreign governments.
- j. Program Secretarial Officers and Deputy NNSA Administrators. Headquarters Assistant Secretaries, Deputy Administrators, and Directors who have management responsibility for program planning, budgeting, and execution, of DOE/NNSA mission program activities.

- k. Reimbursable Agreement. A written agreement to perform work or provide a service for another Federal agency or non-Federal customer.
  - l. Research. Systematic investigation, research development, testing, and evaluation designed to expand or contribute to general knowledge.
  - m. Responsible DOE/NNSA Contracting Officer. A DOE/NNSA official with responsibility for administering the contract for the operation of a DOE/NNSA research or production facility.
  - n. Space Nuclear and Non-Commercial Power Reactor and Radioisotope Power Projects. Research and development associated with nuclear energy that is space nuclear reactor, non-commercial power reactor, and radioisotope power source projects. Excludes Nuclear Regulatory Commission, fusion, weapons-related activities, naval propulsion reactors, and experimental reactors.
  - o. Sponsor. An entity that provides work for others funding.
  - p. Work for Others. Work for non-DOE entities by DOE/NNSA and/or their contractors or use of DOE/NNSA facilities for work that is not directly funded by DOE/NNSA appropriations.
9. CONTACT. For information about this Order, contact the Office of Contract Management at 202-287-1507.

BY ORDER OF THE SECRETARY OF ENERGY:



KYLE E. McSLARROW  
Deputy Secretary

**PRIMARY DOE ORGANIZATIONS TO WHICH DOE O 481.1C IS APPLICABLE**

Office of the Secretary  
Office of the Chief Information Officer  
Office of Civilian Radioactive Waste Management  
Office of Congressional and Intergovernmental Affairs  
Office of Counterintelligence  
Departmental Representative to the Defense Nuclear Facilities Safety Board  
Office of Economic Impact and Diversity  
Office of Electric Transmission and Distribution  
Office of Energy Assurance  
Office of Energy Efficiency and Renewable Energy  
Energy Information Administration  
Office of Environment, Safety and Health  
Office of Environmental Management  
Office of Fossil Energy  
Office of General Counsel  
Office of Hearings and Appeals  
Office of Independent Oversight and Performance Assurance  
Office of the Inspector General  
Office of Intelligence  
Office of Legacy Management  
Office of Management, Budget and Evaluation and Chief Financial Officer  
National Nuclear Security Administration  
Office of Nuclear Energy, Science and Technology  
Office of Policy and International Affairs  
Office of Public Affairs  
Office of Science  
Office of Security  
Office of Security and Safety Performance Assurance  
Secretary of Energy Advisory Board  
Southeastern Power Administration  
Southwestern Power Administration  
Western Area Power Administration