SUBCHAPTER I—AGENCY SUPPLEMENTARY REGULATIONS

• PART 970-DOE MANAGEMENT AND OPERATING CONTRACTS

• PARTS 971-999 [RESERVED]

- PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS
 - Subpart 970.01—Management and Operating Contract Regulatory System
 - <u>970.0100 Scope of part.</u>
 - <u>970.0103 Publication and codification.</u>
 - Subpart 970.03—Improper Business Practices and Personal Conflicts of Interest
 - <u>970.0309 Whistleblower Protection of Contractor Employees.</u>
 - <u>970.0309-1 Applicability.</u>
 - <u>970.0370 Management Controls and Improvements.</u>
 - <u>970.0370-1 Policy.</u>
 - <u>970.0370-2 Contract clause.</u>
 - <u>970.0371 Conduct of employees of DOE management and operating contractors.</u>
 - <u>970.0371-1 Scope of section.</u>
 - <u>970.0371-2 Applicability.</u>
 - <u>970.0371-3 Definition.</u>
 - <u>970.0371-4 Gratuities.</u>
 - <u>970.0371-5 Use of privileged information.</u>
 - <u>970.0371-6 Incompatibility between regular duties and private interests.</u>
 - <u>970.0371-7</u> Outside employment of contractor employees.
 - <u>970.0371-8 Employee disclosure concerning other employment services.</u>
 - <u>970.0371-9 Contract clause.</u>
 - Subpart 970.04—Administrative Matters
 - 970.0404 Safeguarding classified information.
 - <u>970.0404-2 General.</u>
 - <u>970.0404-3 Responsibilities of contracting officers.</u>
 - <u>970.0407 Contractor records retention.</u>
 - <u>970.0407-100 Applicability. 0</u>
 - 970.0407-1-110 Alternate retention schedules.
 - <u>970.0407-120 Access to and ownership of records.</u>
 - <u>970.0407-130 Contract clause.</u>
 - <u>970.0470 Department of Energy Directives.</u>
 - <u>970.0470-1 General.</u>
 - <u>970.0470-2 Contract clause.</u>
 - <u>Subpart 970.08—Required sources of supplies and services</u>
 - <u>970.0801 Excess personal property.</u>
 - <u>970.0801-2 Policy.</u>
 - <u>970.0808 Acquisition of printing and related supplies.</u>
 - <u>970.0808-00 Scope.</u>
 - <u>970.0808-2 Policy.</u>
 - <u>970.0808-3 Contract clause.</u>
 - Subpart 970.09—Contractor Qualifications

- <u>970.0905</u> Organizational and consultant conflicts of interest.
- <u>970.0970 Performance guarantees.</u>
- <u>970.0970-1 Determination of responsibility.</u>
- <u>970.0970-2 Solicitation provision.</u>
- <u>Subpart 970.11</u>—Describing Agency Needs
 - <u>970.1100 Policy.</u>
 - <u>970.1100-1 Performance-based contracting.</u>
 - <u>970.1103-4 Contract clause.</u>
 - <u>970.1170 Work authorization.</u>
 - <u>970.1170-1 Policy.</u>
 - <u>970.1170-2 Contract provision.</u>
- Subpart 970.15—Contracting by Negotiation
 - <u>970.1504 Contract pricing.</u>
 - <u>970.1504-100 Price analysis.</u>
 - <u>970.1504-101 Fees for management and operating contracts.</u>
 - <u>970.1504-102 Fee policy.</u>
 - <u>970.1504-103 Fee determination.</u>
 - 970.1504-104 Calculating the maximum total available fee amount for a one-year period.
 - 970.1504-105 Fee base.
 - <u>970.1504-106 Fee schedules.</u>
 - <u>970.1504-107 Classification factors.</u>
 - <u>970.1504-108</u> Determining the appropriate percentage by considering the significant factors.
 - <u>970.1504-109 Adding the fee subtotals for a one-year period.</u>
 - <u>970.1504-110</u> Allocating the maximum total available fee amount for a one-year period to one or more of the contract's evaluation periods.
 - <u>970.1504-111 The maximum total available fee amount for a contract.</u>
 - <u>970.1504-200 Documentation.</u>
 - <u>970.1504-201 Cost or pricing data.</u>
 - 970.1504-300 Solicitation provision and contract clauses.
 - <u>970.1504-400 Special cost or pricing areas.</u>
- Subpart 970.17—Special Contracting Methods
 - <u>970.1706 Management and operating contracts.</u>
 - <u>970.1706-1 Award, renewal, and extension.</u>
 - <u>970.1706-2 Contract clause.</u>
 - <u>970.1707 Strategic Partnership Projects.</u>
 - <u>970.1707-1 Scope.</u>
 - <u>970.1707-2 Purpose.</u>
 - <u>970.1707-3 Terms governing Strategic Partnership Projects.</u>
 - <u>970.1707-4 Contract clause.</u>
 - <u>970.1708 Agreements for commercializing technology (ACT).</u>
 - <u>970.1708-1 Scope.</u>
 - <u>970.1708-2 General.</u>
 - <u>970.1708-3 Contract clause.</u>
- <u>Subpart 970.19</u>—<u>Small Business Programs</u>
 - <u>970.1907 The Small Business Subcontracting Program.</u>
 - <u>970.1907-4 Subcontracting plan requirements.</u>
 - <u>970.1907-8 Contract clauses.</u>
- Subpart 970.22—Application of Labor Policies
 - <u>970.2200 Scope of subpart.</u>

- <u>970.2201 Basic labor policies.</u>
- <u>970.2201-100 Labor relations.</u>
- <u>970.2201-110 General.</u>
- 970.2201-120 Policies.
- <u>970.2201-130 Contract clause.</u>
- <u>970.2201-140 Wages, salaries, and employee benefits.</u>
- <u>970.2201-200 Overtime management.</u>
- <u>970.2201-210 Policy.</u>
- <u>970.2201-220 Contract clause.</u>
- <u>970.2204 Labor standards for contracts involving construction.</u>
- <u>970.2208 Equal employment opportunity.</u>
- <u>970.2210 Service contract labor standards.</u>
- <u>970.2270 Unemployment compensation.</u>
- <u>970.2270-2 Contract clause.</u>
- 970.23—Environment, Sustainable Acquisition, and Material Safety
 - <u>970.2301 Sustainable acquisition.</u>
 - <u>970.2301-1 [Reserved]</u>
 - <u>970.2301-2 Contract clauses.</u>
 - 970.2303 Hazardous materials identification and material safety.
 - <u>970.2303-2 General.</u>
 - <u>970.2303-3 Contract clauses.</u>
- Subpart 970.25—Foreign Acquisition
 - <u>970.2570 Buy American Act.</u>
 - <u>970.2570-1 Contract clause.</u>
 - <u>970.2571 Export control.</u>
 - <u>970.2571-1 Scope of subpart.</u>
 - <u>970.2571-2 Policy.</u>
 - <u>970.2571-3 Contract clause.</u>
- Subpart 970.26—Other Socioeconomic Programs
 - 970.2605 Workplace substance abuse programs—management and operating contracts.
 - <u>970.2605-1 General.</u>
 - <u>970.2605-2 Applicability.</u>
 - <u>970.2605-3 Definitions.</u>
 - <u>970.2605-4 Solicitation provision and contract clause.</u>
 - 970.2606 Suspension of payments, termination of contract, and debarment and suspension actions.
 - <u>970.2670 Implementation of Section 3021 of the Energy Policy Act of 1992.</u>
 - <u>970.2670-1 Requirements.</u>
 - <u>970.2671 Diversity.</u>
 - <u>970.2671-1 Policy.</u>
 - <u>970.2671-2 Contract clause.</u>
 - <u>970.2672</u> Implementation of Section 3161 of the National Defense Authorization Act for Fiscal Year 1993.
 - <u>970.2672-1 Policy.</u>
 - <u>970.2672-2 Requirements.</u>
 - <u>970.2672-3 Contract clause.</u>
 - 970.2673 Regional partnerships.
 - <u>970.2673-1 Policy.</u>
 - <u>970.2673-2 Contract clause.</u>
- Subpart 970.27—Patents, Data, and Copyrights

- <u>970.2701 General.</u>
- <u>970.2701-1 Applicability.</u>
- <u>970.2702 Patent and copyrights.</u>
- 970.2702-70 Solicitation provision and contract clauses.
- 970.2703 Patent rights.
- <u>970.2703-1 Purposes of patent rights clauses.</u>
- 970.2703-2 Patent rights clause provisions for management and operating contractors.
- <u>970.2704 Rights in data.</u>
- <u>970.2704-1 General.</u>
- <u>970.2704-2 Procedures.</u>
- <u>970.2704-3 Contract clauses.</u>
- <u>970.2770 Technology Transfer.</u>
- <u>970.2770-1 General.</u>
- <u>970.2770-2 Policy.</u>
- 970.2770-3 Technology transfer and patent rights.
- <u>970.2770-4 Contract clause.</u>
- $\circ~$ Subpart 970.28—Bonds and Insurance
 - 970.2803 Insurance.
 - <u>970.2803-1 Workers' compensation insurance.</u>
 - <u>970.2803-2 Contract clause.</u>
- Subpart 970.29-Taxes
 - <u>970.2902 Federal excise taxes.</u>
 - <u>970.2902-3 Other Federal tax exemptions.</u>
 - <u>970.2903 State and local taxes.</u>
 - <u>970.2903-2</u> Application of State and local taxes to the Government.
 - <u>970.2904 Contract clauses.</u>
 - <u>970.2904-1 Management and operating contracts.</u>
- Subpart 970.30—Cost Accounting Standards Administration
 - <u>970.3002 CAS program requirements.</u>
 - 970.3002-1 CAS applicability.
- Subpart 970.31—Contract Cost Principles and Procedures
 - <u>970.3101-1 Scope of subpart.</u>
 - <u>970.3101-2</u> Applicability.
 - <u>970.3101-9 Advance agreements.</u>
 - 970.3101-10 Indirect cost rate certification and penalties on unallowable costs.
 - <u>970.3102-370 Home office expenses.</u>
 - <u>970.3102-500 Selected costs.</u>
 - <u>970.3102-504 Bonding costs.</u>
 - <u>970.3102-506 Compensation for personal services.</u>
 - 970.3102-518 Independent research and development and bid and proposal costs.
 - <u>970.3102-519</u> Insurance and indemnification.
 - <u>970.3102-522</u> Lobbying and political activity costs.
 - <u>970.3102-528 Other business expenses.</u>
 - <u>970.3102-530 Patent costs.</u>
 - <u>970.3102-0531 Patent costs and technology transfer costs.</u>
 - 970.3102-533 Professional and consultant service costs.
 - <u>970.3102-546 Travel costs.</u>
 - <u>970.3102-547 Costs related to legal and other proceedings.</u>
 - <u>970.3102-570 Preexisting conditions.</u>
 - <u>970.3170 Contract clause.</u>

- <u>Subpart 970.32—Contract Financing</u>
 - <u>970.3200 Policy.</u>
 - <u>970.3200-1 Reduction or suspension of advance, partial, or progress payments.</u>
 - <u>970.3200-11 Contract clause.</u>
 - <u>970.3204 Advance payments.</u>
 - <u>970.3204-1 Applicability.</u>
 - <u>970.3270 Standard financial management clauses.</u>
- <u>Subpart 970.34—Major System Acquisition</u>
 - <u>970.3405 General requirements.</u>
 - <u>970.3405-2 Mission-oriented solicitation.</u>
 - <u>970.35 Research and development contracting.</u>
- Subpart 970.35-Research and Development Contracting
 - <u>970.3500 Scope of subpart.</u>
 - <u>970.3501 Federally funded research and development centers.</u>
 - <u>970.3501-1 Sponsoring agreements.</u>
 - <u>970.3501-2 Using an FFRDC.</u>
 - <u>970.3501-3 Reviewing FFRDC's.</u>
 - <u>970.3501-4 Contract clause.</u>
- Subpart 970.36—Construction and Architect-Engineer Contracts
 - <u>970.3605 Contract clauses.</u>
 - <u>970.3605-1 Other contracts.</u>
 - <u>970.3605-2 Special construction clause for operating contracts.</u>
- Subpart 970.37—Facilities Management Contracting
 - <u>970.3706 Performance-based acquisition.</u>
 - <u>970.3706-1 General.</u>
 - <u>970.3770 Facilities management.</u>
 - <u>970.3770-1 Policy.</u>
 - <u>970.3770-2 [Reserved]</u>
- Subpart 970.41—Acquisition of Utility Services
 - <u>970.4102 Acquiring utility services.</u>
 - <u>970.4102-1 Policy.</u>
- Subpart 970.42—Contract Administration
 - <u>970.4207-302 Certificate of costs.</u>
 - <u>970.4207-370 Contract clause.</u>
 - <u>970.4207-501 Contracting officer determination procedure.</u>
- Subpart 970.43—Contract Modifications
 - <u>970.4302 Changes.</u>
 - <u>970.4302-1 Contract clause.</u>
- Subpart 970.44—Management and Operating Contractor Purchasing
 - <u>970.4400 Scope.</u>
 - <u>970.4401 Responsibilities.</u>
 - <u>970.4401-1 General.</u>
 - <u>970.4401-2 Review and approval.</u>
 - <u>970.4401-3 Advance notification.</u>
 - <u>970.4402 Contractor purchasing system.</u>
 - <u>970.4402-1 Policy.</u>
 - <u>970.4402-2 General requirements.</u>
 - <u>970.4402-3 Purchasing from contractor-affiliated sources.</u>
 - <u>970.4402-4 Nuclear material transfers.</u>
 - <u>970.4403 Contract clause.</u>
- Subpart 970.45—Government Property

- <u>970.4501 General.</u>
- <u>970.4501-1 Applicability.</u>
- <u>970.4501-2 Contract clause.</u>
- Subpart 970.49—Termination of Contracts
 - <u>970.4905 Contract termination clause.</u>
 - <u>970.4905-1 Termination for convenience of the government and default.</u>
- Subpart 970.50-Extraordinary Contractual Actions and the Safety Act
 - 970.5001 Residual powers.
 - <u>970.5001-4 Contract clause.</u>
 - <u>970.5070 Indemnification.</u>
 - <u>970.5070-1 Scope and applicability.</u>
 - <u>970.5070-2 General.</u>
 - <u>970.5070-3 Contract clauses.</u>
- Subpart 970.52—Solicitation Provisions and Contract Clauses for Management and Operating Contracts
 - 970.5200 Scope of subpart.
 - <u>970.5201 Text of provisions and clauses.</u>
 - <u>970.5203-1 Management controls.</u>
 - <u>970.5203-2 Performance improvement and collaboration.</u>
 - <u>970.5203-3 Contractor's organization.</u>
 - <u>970.5204-2 Laws, regulations, and DOE directives.</u>
 - <u>970.5204-3 Access to and ownership of records.</u>
 - <u>970.5208-1 Printing.</u>
 - <u>970.5209-1 Requirement for guarantee of performance.</u>
 - <u>970.5211-1 Work authorization.</u>
 - <u>970.5215-1 Total available fee: Base fee amount and performance fee amount.</u>
 - <u>970.5215-2 [Reserved]</u>
 - 970.5215-3 Conditional payment of fee, profit, and other incentives—facility management contracts
 - <u>970.5215-5 Limitation on fee.</u>
 - <u>970.5217-1 Strategic partnership projects program.</u>
 - <u>970.5217-2</u> Agreements for commercializing technology.
 - <u>970.5219 Small business subcontracting plan.</u>
 - <u>970.5222-1 Collective Bargaining Agreements Management and Operating Contracts.</u>
 - <u>970.5222-2 Overtime management.</u>
 - <u>970.5222-4 Unemployment compensation.</u>
 - <u>970.5223-1</u> Integration of environment, safety, and health into work planning and execution.
 - <u>970.5225-1 Compliance with export control laws and regulations (Export Clause).</u>
 - <u>970.5226-1 Diversity plan.</u>
 - <u>970.5226-2</u> Workforce restructuring under section 3161 of the National Defense Authorization Act for fiscal year 1993.
 - <u>970.5226-3 Community commitment.</u>
 - 970.5226-4 Agreement regarding Workplace Substance Abuse Programs at DOE sites.
 - <u>970.5226-5 Workplace Substance Abuse Programs at DOE Sites.</u>
 - 970.5227-1 Rights in data-facilities.
 - <u>970.5227-2 Rights in data-technology transfer.</u>
 - <u>970.5227-3 Technology transfer mission.</u>
 - <u>970.5227-4 Authorization and consent.</u>

- <u>970.5227-5 Notice and assistance regarding patent and copyright infringement.</u>
- <u>970.5227-6 Patent indemnity—subcontracts.</u>
- 970.5227-7 Royalty information.
- 970.5227-8 Refund of royalties.
- <u>970.5227-9 Notice of right to request patent waiver.</u>
- <u>970.5227-10 Patent rights—management and operating contracts, nonprofit</u> organization or small business firm contractor.
- <u>970.5227-11 Patent rights—management and operating contracts, for-profit</u> contractor, non-technology transfer.
- <u>970.5227-12 Patent rights—management and operating contracts, for-profit</u> contractor, patent waiver.
- <u>970.5228-1 Insurance—litigation and claims.</u>
- <u>970.5229-1 State and local taxes.</u>
- <u>970.5231-4 Preexisting conditions.</u>
- <u>970.5232-1</u> Reduction or suspension of advance, partial, or progress payments upon finding of substantial evidence of fraud.
- <u>970.5232-2 Payments and advances.</u>
- <u>970.5232-3 Accounts, records, and inspection.</u>
- 970.5232-4 Obligation of funds.
- <u>970.5232-5 Liability with respect to cost accounting standards.</u>
- <u>970.5232-6 Strategic partnership project funding authorization.</u>
- <u>970.5232-7 Financial management system.</u>
- <u>970.5232-8 Integrated accounting.</u>
- <u>970.5235-1</u> Federally funded research and development center sponsoring agreement.
- <u>970.5236-1 Government facility subcontract approval.</u>
- <u>970.5237-2 [Reserved]</u>
- <u>970.5242-1 Penalties for unallowable costs.</u>
- <u>970.5243-1 Changes.</u>
- <u>970.5244-1 Contractor purchasing system.</u>
- <u>970.5245-1 Property.</u>
- <u>PARTS 971-999 [RESERVED]</u>