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SUBJECT: STRATEGIC PARTNERSHIP PROJECTS [FORMERLY KNOWN AS WORK FOR OTHERS (NON-DEPARTMENT OF ENERGY FUNDED WORK)]

1. **OBJECTIVES.** Strategic Partnership Projects (formerly known as “Work for Others” (WFO)) is work performed 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. SPP have 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, is cancelled.
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 SPP as provided by law or contract and as implemented by the appropriate DOE/NNSA contracting officer or authorized designee
 - 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 Strategic Partnership Projects 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 offer or, 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 SPP 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 SPP 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 Budget 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 413.3B, *Program Project Management for the Acquisition of Capital Assets*, dated, 11-29-10.
 - (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 and Intelligence work 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 Affairs 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 Interagency Work.
- n. Strategic Partnerships Projects 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 Interagency Work.
- 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 SPP 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), SPP responsibilities have been separated into DOE organizational responsibilities, below, and NNSA organizational responsibilities (paragraph 6).

a. Director, Office of Management.

- (1) Establishes DOE SPP policies with Cognizant Secretarial Officers and NNSA officials.¹
- (2) Prepares an annual summary report of SPP 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 SPP from requirements of this Order [for NNSA exclusions see paragraph 6b(5)].
- (5) Develops, maintains, and updates the standard SPP 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) 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 5j(1) or 5j(2)).
- (7) Develops and maintains financial information on SPP and prepares financial reports as necessary.
- (8) Coordinates with responsible program Secretarial Officers to ensure the availability of funds for SPP projects accepted and performed at Headquarters.
- (9) Concurs on SPP construction projects that exceed the GPP threshold established by the DOE Chief Financial Officer.

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

- 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 Affairs. To ensure consistency with international agreements and foreign policy objectives, reviews and concurs on all non-NNSA SPP requests directly funded by foreign sponsors.
- d. DOE General Counsel/Field Counsel.
 - (1) Provides legal advice and representation on SPP 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's system to ensure that proposed SPP 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 work and intelligence SAPs.
 - (2) Coordinates program review of intelligence and intelligence-related work with the participation of appropriate field elements.
 - (3) Reviews intelligence and intelligence-related work for duplication of effort.
 - (4) Serves as central point of contact for coordination with sponsors of intelligence and intelligence-related work.
 - (5) Ensures that the Cognizant Secretarial Officer is informed of problems in field management of intelligence and intelligence-related work.
- g. NNSA Assistant Deputy Administrator, Office of Nonproliferation Research and Engineering. Reviews all SPP 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.
- j. Program Secretarial Officers. 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.

- (1) 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.

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

k. Cognizant Secretarial Officers.

- (1) Develop and recommend changes in SPP policies to the Director, Office of Management.
- (2) Notify other Secretarial Officers of significant or sensitive SPP [see paragraph 51(5)].
- (3) After obtaining concurrence from the Office of the Chief Financial Officer, approve facility construction that exceeds the GPP threshold.

- (4) For DOE facilities under their cognizance--
 - (a) approve annual SPP levels and requests for level increases in conjunction with recommendations of responsible heads of field elements, and
 - (b) review SPP procedures annually to ensure consistency with SPP policies and procedures.

1. Heads of DOE Field Elements.

- (1) Function as Departmental managers for SPP 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 SPP 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 SPP .
- (4) For facilities under their purview—
 - (a) recommend annual SPP levels for the cognizant Secretarial Officer's approval,
 - (b) monitor SPP 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 SPP that involve sensitive subjects.
- (6) Ensure that DOE and/or contractor representatives review proposed SPP involving human and/or animal subjects for compliance with established Federal regulations and DOE requirements for protecting these subjects.
- (7) Ensure that SPP 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 SPP review process.
- (10) Establish and implement closeout procedures for SPP.
- (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 SPP processes, and the impact of subsequent improvement and additional requirements.
- (13) Ensure that a summary of each active SPP 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, an annual SPP report for facilities under their purview.
- (16) In coordination with cognizant Secretarial Officers, submit to the Director, Office of Management 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 Affairs, 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 Budget.

- (1) Working in coordination with the DOE Office of Management, and other Program Secretarial Officers, establish DOE SPP policies.
- (2) Develops and implements SPP procedural guidance for NNSA organizations. (3) Prepares an annual summary report of SPP 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 SPP and prepares financial reports as necessary.
- (3) Coordinates with responsible Deputy Administrators to ensure the availability of funds for SPP accepted and performed at Headquarters.
- (4) Concurs on construction projects that exceed the GPP threshold.
- (5) Approves requests for excluding SPP from requirements of this Order for NNSA sites in coordination with the DOE Director, Office of Management.
- (6) Provides concurrence in the development and updating of the standard SPP 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 SPPs. .
- (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 work and intelligence SAPs through the appropriate site office.
 - (2) Coordinates program review of intelligence and intelligence-related work with the participation of appropriate field elements.
 - (3) Reviews intelligence and intelligence-related work for duplication of effort.
 - (4) Serves as central point of contact for coordination with sponsors of intelligence and intelligence-related work.
 - (5) Ensures that the NNSA Administrator is informed of problems in intelligence and intelligence-related work at NNSA facilities.
- e. NNSA Assistant Deputy Administrator, Office of Nonproliferation Research and Engineering. Reviews and provides comments on SPP 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 SPP at their sites. Responsibilities include the following.
- (1) Develop and recommend changes in SPP 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 SPP accepted and to be performed at Headquarters, satisfy requirements of paragraph 4, before accepting projects.
 - (4) Review and concur in foreign-sponsored SPP that use NNSA program developed technologies.
 - (5) For work accepted and performed at Headquarters, ensure that NNSA and/or contractors review proposed SPP 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 SPP.
- (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 SPP levels and requests for level increases in conjunction with recommendations of the responsible heads of field elements and
 - (b) review the SPP procedures annually to ensure consistency with DOE/NNSA SPP policies and procedures.

g. Field Office Managers.

- (1) Function as administrative managers for SPP 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 SPP 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 SPP.
- (5) For facilities under their purview—
 - (a) recommend annual SPP levels for the cognizant NNSA Deputy Administrator's approval,
 - (b) monitor SPP levels to ensure consistency with the levels approved by the cognizant NNSA Deputy Administrator, and
 - (c) submit requests for level increases to the cognizant Secretarial Officer.
- (6) Notify the cognizant NNSA Deputy Administrator of SPP that involve sensitive subjects.

- (7) Ensure that NNSA and/or contractors review proposed SPP involving human or animal subjects for compliance with established Federal regulations and NNSA requirements for protecting these subjects.
- (8) Ensure that SPP 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 SPP 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 SPP. 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 SPP processes, and impact of subsequent improvements or additional requirements.
- (13) Ensure that a summary of each active SPP 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 an annual SPP 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 Interagency Work.
- (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 and conducting biennial reviews of the 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 241.1B, *Scientific and Technical Information Management*, dated 12-13-10, 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 443.1B, *Protection of Human Subjects*, dated 3-17-11, 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 OM 471.5, *Special Access Program Policies, Responsibilities, and Procedures*, dated 03-29-11, which delineates policies, responsibilities, and procedures for SAP projects.
- f. DOE O 475.2A, *Identifying Classified Information*, dated 2-01-11, which specifies responsibilities, authorities, policies, and procedures for management of the DOE Classification System.
- g. DOE M 481.1-1A Chg 1, *Reimbursable Work for Non-Federal Sponsors Process Manual*, dated 1-03-01, 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 O 241.1-1B, *Scientific and Technical Information Management*, dated 12-13-10, which specifies policies and procedures for ensuring that Scientific and Technical Information is appropriately managed as part of the DOE mission.
- 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 and intelligence-related work.
- 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 17.7, "Interagency Acquisitions: Acquisitions by Nondefense Agencies on Behalf of the Department of Defense," which prescribes policies and procedures specific to acquisitions of supplies and services by non-defense agencies on behalf of the Department of Defense.
 - w. FAR 35.017, "Federally Funded Research and Development Centers (FFRDCs)," which establishes Government-wide policies for review and termination of FFRDCs.
 - x. 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.
 - y. 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 SPP 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/or their contractors to perform strategic partnership projects.
 - 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 Deputy 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 and Intelligence-Related Work(IW).
 - (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 strategic partnership agreement funding.
 - p. Strategic Partnership Project. 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 and Financial Assistance Policy at 202-287-1507.

BY ORDER OF THE SECRETARY OF ENERGY:



KYLE E. McSLARROW
Deputy Secretary