

U.S. Department of Energy
Washington, D.C.

ORDER

DOE O 481.1

Approved: 9-30-96
Sunset Review: 9-30-98
Expires: 9-30-00

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

1. **OBJECTIVES.** Work for Others (WFO) is the performance of work for non-DOE entities by DOE/contractor personnel and/or the utilization of DOE facilities that is not directly funded by DOE appropriations. WFO has the following objectives.
 - a. To provide assistance to other federal agencies and non-federal entities in accomplishing goals that may otherwise be unattainable and to avoid the possible duplication of effort at federal facilities.
 - b. Where private sector facilities are inadequate, to provide access for non-DOE entities to highly specialized or unique DOE facilities, services, or technical expertise.
 - c. To increase research and development (R&D) interactions between DOE facilities and industry to transfer technology originating in DOE facilities to industry for further development or commercialization.
 - d. To maintain core competencies and enhance the science and technology base at DOE facilities.
2. **CANCELLATION.** This Order cancels DOE 4300.2C, NON-DEPARTMENT OF ENERGY FUNDED WORK (Work for Others), dated December 28, 1994.
3. **APPLICABILITY.** The provisions of this Order apply to all Departmental Elements and contractors performing Work for Others as provided by law or contract and as implemented by the appropriate DOE contracting officer or authorized designee. This Order does not apply to the following.
 - a. Services, products, or materials regularly produced for sale at schedule rates under Departmental programs (e.g., routine irradiation services, radioisotopes, heavy water, and Naval Petroleum Reserve oil sales).
 - b. Work performed by non-DOE contractor personnel at a DOE-approved User Facility (e.g., the National Synchrotron Light Source) or at a Defense Programs

Technology Deployment Center/User Facility (e.g., the Electronics Quality Reliability Center).

- c. DOE-funded work/services performed by one DOE facility contractor for another.
 - d. Visits or assignments of foreign nationals to DOE facilities.
 - e. Consulting services by individual employees not representing themselves as DOE employees or DOE facility contractor employees.
 - f. Cooperative Research and Development Agreements (CRADAs) performed under the National Competitiveness Technology Transfer Act of 1989.
 - g. Work for the Navy/DOE Naval Nuclear Propulsion Program.
 - h. Intergovernmental Personnel Act (IPA) assignments.
4. REQUIREMENTS. It is Departmental policy that DOE resources be made available to non-DOE entities; however, the following requirements, and requirements in other DOE Orders and applicable regulations, must be satisfied prior to performance of work.
- a. For all work performed in the field, the following determinations must be made and certified in writing by the responsible DOE contracting officer or authorized designee. For all work performed in Headquarters, these determinations must be made and certified in writing by a Headquarters contracting officer or authorized designee. The responsible DOE contracting officer may delegate to the contractor the authority to make and certify in writing these determinations and accept WFO projects for non-federal sponsors consistent with the requirements of this Order and DOE M 481.1-1.
 - (1) The proposed work is consistent with or complementary to DOE missions and the missions of the facility to which the work is to be assigned.
 - (2) The proposed work will not adversely impact execution of assigned programs of the facility.
 - (3) The proposed work will not place the facility in direct competition with the domestic private sector.
 - (4) The proposed work will not create a detrimental future burden on DOE resources.

- b. In addition to paragraph 4a above, the following is required from federal agencies other than the Nuclear Regulatory Commission: a written statement (example below) on or with the funding document stating that:
- (1) the requesting agency has determined that entering into an agreement with DOE is in compliance with the requirements of the Economy Act of 1932, as amended (31 U.S.C. 1535) [or other applicable authorizations; for example, Executive Order 12333];
 - (2) the requesting agency has determined that entering into an agreement with DOE is in compliance with the Federal Acquisition Regulation (FAR) 6.002; and
 - (3) to the best of its knowledge, the work requested will not place DOE and its contractor 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 the DOE and its contractor in direct competition with the domestic private sector.

- c. The requirements of paragraphs 4a and 4b (if applicable) must be met prior to acceptance of reimbursable agreements and are also required for any modifications that are "out of scope" with the existing agreement. For previously approved work, with schedule and/or cost changes but no change in scope, the determinations and certification process is not required.
- d. Responses to Broad Agency Announcements (BAAs) issued by other federal agencies are permitted when:
- (1) work consists of research and development that is part of a national program or DOE mission and utilizes DOE's unique capability;
 - (2) the DOE contractor informs the cognizant Operations Office when submitting a proposal for review that the proposed work is in response to a BAA;
 - (3) proposals are reviewed and approved by DOE in accordance with DOE O 481.1; and

- (4) Federal sponsors provide a written statement prior to acceptance that the BAA is the only means used to acquire the work described in the BAA.
 - e. Pricing of work shall be in accordance with DOE O 2110.1A, PRICING OF DEPARTMENTAL MATERIALS AND SERVICES.
 - f. For WFO construction at a DOE site that exceeds the General Plant Project (GPP) threshold, approval by the Cognizant Secretarial Officer and concurrence of the Office of the Chief Financial Officer is required prior to initiation of work. In addition, all construction projects shall adhere to the following.
 - (1) Construction projects shall be performed as required by DOE O 430.1, LIFE-CYCLE ASSET MANAGEMENT, dated October 26, 1995.
 - (2) Title for permanent construction shall pass to DOE upon completion of construction.
 - g. Equipment acquired as part of a project shall be accounted for and maintained in the same manner as DOE property. Disposition of equipment shall be as previously agreed to or as instructed by the sponsor.
 - h. If subcontracting is necessary, the DOE contractor shall select the subcontractor and work to be subcontracted. Subcontracted work is to be in direct support of the DOE contractor.
 - i. DOE or its facility contractors may not respond to federal agency Requests For Proposals (RFPs).
 - j. Intelligence-related activities shall be conducted in accordance with Executive Order 12333, U.S. Laws, other Executive Orders, Presidential Directives, and Director of Central Intelligence Directives.
 - k. Work that involves a Special Access Program requires the approval of the DOE Special Access Program Oversight Committee (SAPOC), which is chaired by the Deputy Secretary.
5. RESPONSIBILITIES.
- a. Deputy Secretary (S-2) presents each proposed Work for Others project that involves a Special Access Program to the SAPOC for approval and ensures the applicant is notified if the project is accepted or rejected.

- b. Assistant Secretary for Human Resources and Administration (HR-1).
 - (1) Establishes WFO policies in coordination with the cognizant Secretarial Officers.
 - (2) Prepares 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 projects from DOE O 481.1.
 - (5) Develops, maintains, and updates the standard WFO Agreement for non-federal sponsors. (Refer to DOE M 481.1-1.)
- c. Chief Financial Officer (CFO) (CR-1).
 - (1) Develops and maintains adequate financial information on WFO and prepares financial reports as necessary.
 - (2) Coordinates with responsible Program Secretarial Officers to ensure the availability of funds for WFO projects accepted and performed at Headquarters.
 - (3) Concurs on construction projects that exceed the GPP threshold established by the CFO.
- d. Deputy Assistant Secretary for Procurement and Assistance Management (HR-5), for projects accepted by Headquarters elements, ensures that the Associate Director for Procurement Operations accepts the project [unless delegated as in Paragraph 5l(2)].
- e. Deputy Assistant Secretary for International Affairs (PO-7) reviews and concurs on all WFO requests directly funded by a foreign sponsor to ensure consistency with international agreements and foreign policy objectives.
- f. General Counsel/Field Counsel.
 - (1) Provides DOE legal advice and representation on issues related to the WFO program.

- (2) Establishes policy on patent and technical data, advises on patent and technical data clauses of contracts, and approves waiver of patent rights.
- g. Associate Director, Office of Health and Environmental Research (ER-70).
 - (1) Oversees the established DOE system to ensure all proposed WFO research involving human and/or animal subjects complies with established regulations.
 - (2) Reviews and approves proposed WFO projects involving human subjects for which approval authority has not been previously delegated to the facility contractor (research institution) through DOE or Department of Health and Human Services Multiple Project Assurance.
 - (3) Reviews proposed WFO projects involving human and/or animal subjects that are of a sensitive nature (e.g., international locations, non-traditional sponsors).
- h. Director, Office of Energy Intelligence (NN-30).
 - (1) Reviews and approves proposed intelligence-related WFO projects.
 - (2) Coordinates program reviews of all intelligence-related WFO projects with the participation of appropriate Field Elements.
 - (3) Is the central point of contact for coordination with sponsors of intelligence-related WFO projects.
 - (4) Ensures the Cognizant Secretarial Officer is informed of any problems relating to field management of intelligence-related WFO.
- i. Director, Office of Research and Development (NN-20), reviews all WFO nuclear nonproliferation detection technology projects.
- j. Director, Office of Space and Defense Power Systems (NE-50), reviews and approves proposals involving space nuclear reactor, non-commercial power reactor, and radioisotope power source projects, excluding the Nuclear Regulatory Commission (NRC), fusion, weapons-related activities, naval propulsion reactors, and experimental reactors to establish an appropriate Nuclear Energy management role.

- k. Assistant Secretary for Environment, Safety and Health (EH-1), provides for the conduct of independent evaluations to assess the effectiveness of environment, safety, and safeguards and security of activities undertaken through the Work for Others Program.
- l. Program Secretarial Officers.
 - (1) In cases where work is accepted at Headquarters but performed in the field, the requirements of paragraphs 4a and 4b must be met by the cognizant Field Element. Once these requirements are met, the responsible Program Secretarial Officer can accept the project. If the responsible Program Secretarial Officer has not been delegated authority to accept reimbursable agreements, the Deputy Assistant Secretary for Procurement and Assistance Management will accept. Once accepted, copies of all information must be forwarded to the Field Element(s) performing the work to instruct contractors to begin work.
 - (2) For work accepted and performed at Headquarters, the responsible Program Secretarial Officer will satisfy the requirements of paragraphs 4a and 4b and obtain concurrence from the Office of the Chief Financial Officer prior to acceptance of the project. If the responsible Program Secretarial Officer has not been delegated authority to accept reimbursable agreements, the Deputy Assistant Secretary for Procurement and Assistance Management will accept.
- m. Cognizant Secretarial Officers.
 - (1) Develop and recommend changes in WFO policies to the Assistant Secretary for Human Resources and Administration.
 - (2) Provide notification to other appropriate Secretarial Officers of significant/sensitive WFO projects pursuant to paragraph 5n(6).
 - (3) Approve facility construction that exceeds the GPP threshold after obtaining concurrence from the Office of the Chief Financial Officer.
 - (4) For each DOE facility under their cognizance:
 - (a) approve annual WFO levels and requests for increases to those levels in conjunction with recommendations of the responsible Head of the Field Element, and

- (b) annually review the WFO Program to ensure consistency with WFO policies and procedures.

n. Heads of Field Elements.

- (1) Function as Departmental managers for WFO conducted in DOE facilities under their purview. In this capacity, Heads of Field Elements are accountable to the Cognizant Secretarial Officer for this work.
- (2) Develop and implement procedures for the review, acceptance, authorization, and monitoring of WFO that are consistent with DOE policies and procedures and encourage parallel review and processing by DOE, the sponsor, and the facility contractor.
- (3) Delegate the authority to the contractor to sign and accept bilateral sales contracts with non-federal entities that are consistent with DOE-approved standard terms and conditions and satisfy the requirements of this Order and DOE M 481.1-1.
- (4) Conduct periodic reviews of the contractor's policies and procedures for accepting non-federal WFO projects.
- (5) For each facility under their purview:
 - (a) recommend annual WFO levels for Cognizant Secretarial Officer approval, and
 - (b) monitor WFO levels to ensure consistency with the Cognizant Secretarial Officer-approved levels and request increases from the Cognizant Secretarial Officer.
- (6) Notify the Cognizant Secretarial Officer (using management judgment) of any WFO projects that involve sensitive subjects.
- (7) Ensure DOE and/or contractor review of proposed WFO projects involving human and/or animal subjects for compliance with the established regulations for protection of these subjects.
- (8) Ensure that WFO projects under their purview are protected in accordance with applicable DOE security, safeguards, and classification policies including

the Site Security Plan or a supplemental security plan specific to the WFO project.

- (9) Ensure DOE and contractors review for compliance with DOE environmental, safety, and health requirements including NEPA.
- (10) Ensure that the appropriate Headquarters element is involved in the WFO review process.
- (11) Establish and implement closeout procedures for WFO projects.
- (12) Establish performance goals and measures to assess field performance and effectiveness of local WFO processes and impacts of subsequent improvements and/or additional requirements.
- (13) Ensure a project summary listing of information on each active WFO project is maintained. As a minimum, the information should include:
 - (a) field points of contact,
 - (b) total estimated costs,
 - (c) sponsoring agency,
 - (d) project title/description,
 - (e) estimated start/completion dates, and
 - (f) assigned laboratory/contractor.
- (14) Ensure project file information documenting policy compliance is maintained by DOE and/or the performing contractor.
- (15) Submit an annual WFO report for facilities under their purview to the Cognizant Secretarial Officer and the Assistant Secretary for Human Resources and Administration by December 10.
- (16) In coordination with the responsible Cognizant Secretarial Officers, request the Assistant Secretary for Human Resources and Administration to grant exclusions from DOE O 481.1 requirements.

6. CONTACT. For information about this Order, contact the Office of Organization and Management at (202)586-6799.
7. REFERENCES.
 - a. Atomic Energy Act of 1954, as amended (42 U.S.C 2011 et seq.), Sections 31, 32, and 33, which authorizes the conduct of research and development and certain training activities for non-DOE 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.
 - b. Department of Energy Accounting Handbook dated October 17, 1995, Chapter XIII, Reimbursable Work, Revenues, and Other Collections, which establishes DOE-wide financial policy and procedural guidance for certain interagency reimbursable actions and reimbursable actions with non-DOE entities.
 - c. DOE O 522.1, PRICING OF DEPARTMENTAL MATERIALS AND SERVICES, dated May 18, 1992, which establishes policy for setting prices and charges for materials or services sold or provided by DOE, either directly or through facility contractors, to organizations and persons outside DOE.
 - d. DOE O 471.5, IDENTIFICATION OF CLASSIFIED INFORMATION, dated December 31, 1991, which specifies responsibilities, authorities, policy, and procedures for the management of the DOE Classification System.
 - e. DOE Procedures for Intelligence Activities, which provide supplemental guidance/requirements for the conduct of Intelligence WFO.
 - f. 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.
 - g. Energy Reorganization Act of 1974, Public Law 93-438, Section 205, 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.
 - h. Executive Order 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 collection analysis requirements.

- i. 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.
- j. FAR 35.017, Federally Funded Research and Development Centers (FFRDCs), which establishes government-wide policies for review and termination of FFRDCs.
- k. Intergovernmental Cooperation Act of 1968, Public Law 90-577, as amended, which authorizes federal agencies to perform work for state and local governments. Such work will be performed in accordance with the requirements of OMB Circular A-97.
- l. The National Competitiveness Technology Transfer Act of 1989, Public Law 1010, Sections 3131, 3132, 3133, and 3159, which prescribes technology transfer as a mission of the DOE and its facilities.
- m. Stevenson-Wydler Technology Innovation Act of 1980, Public Law 96-480, as amended, Section 11, which states as public policy that the Federal Government shall strive to transfer federally owned or originated technology to state and local governments and the private sector.

8. DEFINITIONS.

- a. Acceptance is the official act of signing a reimbursable agreement (e.g., bilateral sales contract or interagency agreement) by a DOE contracting officer or an official to whom such authority has been delegated that commits DOE and/or its contractor to perform WFO. Authority to sign and execute bilateral sales contracts can be delegated to the DOE contractor by the Head of a Field Element.
- b. Bilateral Sales Contract is a binding agreement (contract) between DOE or a DOE facility contractor and a non-federal entity that commits DOE to perform WFO activities.
- c. Cognizant Secretarial Officer is the DOE official, at the Assistant Secretary level, who is responsible for the assignment of work, the institutional overview of a facility, or both.
- d. Facility Contractors are entities that operate and maintain government-owned facilities under contract with and for the benefit of DOE.

- e. Intelligence-Related Work for Others is the following.
 - (1) Work directly funded by intelligence appropriations or by an organization specifically identified in Executive Order 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 Energy Intelligence (NN-30).
- f. Non-DOE Entities includes other federal agencies; state, regional and local governments; private or commercial firms, not-for-profit organizations; international organizations; and foreign governments.
- g. Program Secretarial Officer is a senior outlay program official; includes the Assistant Secretaries for Defense Programs (DP), Energy Efficiency and Renewable Energy (EE), Environmental Management (EM), Fossil Energy (FE), and the Directors of Energy Research (ER), Nuclear Energy Science and Technology (NE), and Civilian Radioactive Waste Management (RW).
- h. Responsible DOE Contracting Officer is a DOE official with responsibility for administering the contract for the operation of a DOE research or production facility.
- i. Space Nuclear and Non-Commercial Power Reactor and Radioisotope Power WFO Projects include only R&D projects associated with nuclear energy that are space nuclear reactor, non-commercial power reactor, and radioisotope power source projects but exclude NRC, fusion, weapons-related activities, naval propulsion reactors, and experimental reactors.
- j. Sponsor is an entity that provides funding for the performance of WFO.
- k. Work for Others (WFO) is the performance of work for non-DOE entities by DOE/contractor personnel and/or the utilization of DOE facilities that is not directly funded by DOE appropriations.

BY ORDER OF THE SECRETARY OF ENERGY:



ARCHER L. DURHAM
Assistant Secretary for
Human Resources and Administration

CANCELED

CONTRACTOR REQUIREMENTS DOCUMENT

1. DOE contractors shall establish and maintain a management system that ensures Work for Others Program requirements and intent of DOE Order 481.1 and DOE Manual 481.1-1 are satisfied.
2. DOE contractors shall develop appropriate performance measures for the Work for Others Program and participate in DOE's Business Management Oversight Process.
3. When requesting delegation of project review and approval authority for work for non-federal sponsors, DOE contractors will prepare a Management Plan for DOE approval that details how the contractor will make the determinations listed below and accept non-federal projects. The determinations are that:
 - a. the work is consistent with or complementary to DOE missions and the missions of the facility to which the work is to be assigned;
 - b. the work will not adversely impact execution of assigned programs of the facility;
 - c. the work will not place the facility in direct competition with the domestic private sector; and
 - d. the work will not create a detrimental future burden on DOE resources.
4. Submit to DOE:
 - a. any non-federal agreements that include terms and conditions that deviate from the DOE-approved standard terms and conditions detailed in DOE M 481.1-1 for review and approval;
 - b. a signed statement certifying that the project has been executed within the delegated authority given to the contractor and in accordance with established procedures and guidelines.
5. Provide notification to appropriate DOE offices when responding to a Broad Agency Announcement.
6. If subcontracting is necessary, select the subcontractor and work to be subcontracted. Subcontracted work is to be in direct support of the DOE contractor.

7. Review proposed work involving human and/or animal subjects for compliance with established regulations for protection of these subjects.
8. Review projects for compliance with DOE environmental, safety and health requirements including the National Environmental Protection Act.
9. Ensure projects are protected in accordance with applicable security, safeguards, and classification policies and procedures including the Site Security Plan or supplemental security plan specific to a project.
10. Request DOE approval for WFO construction at a DOE site when that construction exceeds the General Plant Project (GPP) threshold; approval by the Cognizant Secretarial Officer and the Chief Financial Officer is required prior to initiation of work.
11. Monitor WFO levels to ensure consistency with the Cognizant Secretarial Officer-approved levels.
12. Notify DOE of any WFO projects that involve sensitive subjects.
13. Maintain a project summary listing of information on each active WFO project. As a minimum, the information should include:
 - field points of contact,
 - total estimated costs,
 - sponsoring agency,
 - project title/description,
 - estimated start/completion dates,
 - assigned laboratory/contractor.
14. Maintain project file information documenting policy compliance.
15. Submit annual WFO report for facility by December 10.