

DIRECTIVES CONTROL FORM - OR FINAL DIRECTIVE

PART A (To be completed by the Division of Primary Interest (DPI))

1. NUMBER AND TITLE OF DIRECTIVE: **ORIG 4300.2B, NON-DEPARTMENT OF ENERGY FUNDED WORK (WORK FOR OTHERS)**
2. PURPOSE OF TRANSMITTAL: New Directive Revised Directive Page Change
3. APPLICABILITY: Is directive applicable to contractor(s)? Check appropriate boxes below:
- No (all contractors)
- Yes If yes, whom? MMES MK-Ferguson ORAU SURA
- Other contractors (list by type)

4. SUMMARY OF SIGNIFICANT PROVISIONS OR CHANGES:

1. Additions to Reference section which are specific to OR.
2. Inclusion in Responsibilities - Federal section for separate headings for WFO Program Managers, WFO Coordinators, Chief Financial Officer, etc., to reflect their specific WFO responsibilities.
3. Added section on Procedures to reflect the current WFO process.
4. Inclusion of forms, figures, etc., as attachments which are used by OR in the WFO process.
5. Cancels OR 4300.2A which is currently included in Appendix E.

5. CONTACT POINT: Donna Phillips Work for Others Office, DP-802 576-0395
Name Organization Telephone

PART B (To be completed by the Directives Management Group (DMG)):

6. FILING INSTRUCTIONS:

| <u>Remove</u> | <u>Dated</u> | <u>Insert</u> | <u>Dated</u> |
|---------------|--------------|-----------------|--------------|
| OR 4300.2A | 5-4-87 | OR Control Form | 12-23-92 |
| | | ORIG 4300.2B | 12-23-92 |

7. APPROVED FOR DISTRIBUTION IN ACCORDANCE WITH THE OFFICIAL DIRECTIVES DISTRIBUTION LIST:

Jennifer H. Cusick, AD-440
Management Analyst, AD-440 Signature

12/23/92
Date

U.S. Department of Energy

OAK RIDGE FIELD OFFICE

IMPLEMENTATION GUIDANCE

ORIG 4300.2B

12-23-92

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

1. PURPOSE. This Oak Ridge Implementation Guidance (ORIG) correlates to DOE Order 4300.2B by assigning responsibility and accountability and providing administrative and contractual guidance to DOE Oak Ridge Field Office (OR) and its contractors. Nothing in this issuance changes any requirements contained in any DOE Order.
2. CANCELLATION. This issuance cancels and replaces OR 4300.2A, NON-DEPARTMENT OF ENERGY FUNDED WORK, of 5-4-87.
3. APPLICABILITY. The provisions of this ORIG apply to all non-DOE funded work, including financial assistance awards (grants) performed by OR contractors. The principal application is to Management and Operating (M&O) contracts, under which most of the non-DOE funded work is performed, as provided by law and/or contract, and as implemented by the appropriate contracting officer. This ORIG applies equally to non-DOE funded work at all other OR facilities operated pursuant to onsite service or other forms of non-M&O contracts. This ORIG does not apply to those exclusions identified in paragraph 7 of DOE 4300.2B.
4. REFERENCES.
 - a. OR Proposal Information Form (PIF) (Attachment 3) which provides information on a proposed project to allow (1) the OR Contracting Officer to make the required determinations and certification as specified in DOE 4300.2B, subparagraph 8a, and (2) the OR Work for Others (WFO) Committee to ensure that the work is appropriate under the DOE contract.
 - b. DOE/OR WFO Terms and Conditions (Attachment 4) which provides the terms and conditions under which work will be performed by OR M&O contractors for non-DOE entities.
 - c. DOE/OR WFO Funding Justification Form (Attachment 5) which provides information on a proposed project for the OR WFO staff to review and accept funding from non-DOE entities.

DISTRIBUTION: OR and Contractors

INITIATED BY: AMDP

- d. Work for Others (WFO) Proposal Checklist (Attachment 6) which documents environmental, safety and health, security, and quality assurance aspects of a proposed project.
- e. OR WFO Office Guide (July 1992) which provides OR procedures for administration of the WFO program.

5. DEFINITIONS.

- a. Non-Federal Entities include local, regional, and state governments, commercial firms, not-for-profit organizations, international entities, foreign governments, and private individuals.
- b. OR Work For Others (WFO) Committee consists of the Chief Financial Officer (CFO), Chairman; Assistant Manager for Defense Programs; Assistant Manager for Energy Research and Development; Assistant Manager for Environmental Restoration and Waste Management; Assistant Manager for Environment, Safety, and Quality; Director, Procurement and Contracts Division; a representative from the Office of Chief Counsel; representatives from the WFO office; and others designated by the Committee Chairman.
- c. Other Federal Agencies (OFA) include all non-DOE elements of the United States Government.
- d. WFO Coordinators are OR officials responsible for administrative review of work requests, proposals, and agreements to assure conformance with DOE 4300.2B and this ORIG.
- e. WFO Program Managers are OR officials responsible for programmatic oversight of work performed by OR contractors for non-DOE elements.

6. RESPONSIBILITIES - FEDERAL.

- a. Assistant Manager for Defense Programs:
 - (1) Provides overall guidance and develops and implements procedures for the review, authorization, assignment, and control of non-DOE funded work requests that are consistent with the provisions of this and other applicable ORIGs. Complies with the minimum standards detailed in Attachment 3 of DOE 4300.2B.

- (2) Executes agreements between OR and OFA in accordance with DOE 4300.2B and this ORIG.
- (3) Reviews and recommends approval for contracts between OR contractors and non-Federal entities.
- (4) Advises the Assistant Secretary for Domestic and International Energy Policy of activities that involve a foreign entity prior to acceptance of work.
- (5) Monitors the overall level of non-DOE funded work at the Y-12 Site and the Data Systems Research and Development Program to ensure that it is within approved levels and brings to the attention of the cognizant Secretarial Officer proposed work that would exceed those levels.
- (6) For work performed at facilities under cognizance of the Assistant Manager for Defense Programs, performs that task identified in subparagraph 10k(8) of DOE 4300.2B.
- (7) Obtains approval from the Office of Health and Environmental Research, Headquarters, for all agreements involving research on human or animal subjects.
- (8) Obtains approval from the Director, Office of Intelligence, Headquarters, for all intelligence-related non-DOE funded work for conformance with Executive Order (EO) 12333.

b. Assistant Manager for Energy Research and Development:

- (1) Reviews non-DOE funded work policies, as stated in DOE Orders, to ensure integration with the Department's multiprogram laboratory institutional planning process, as appropriate.
- (2) Monitors the overall level of non-DOE funded work at the Oak Ridge National Laboratory to ensure that it is within approved levels and brings to the attention of the cognizant Secretarial Officer proposed work that would exceed those levels.
- (3) Executes agreements between OR and OFA in accordance with this ORIG and DOE 4300.2B.

- (4) For work performed at facilities under cognizance of the Assistant Manager for Energy Research and Development, performs that task identified in subparagraph 10k(8) of DOE 4300.2B.
 - (5) Reviews and recommends approval for contracts between OR contractors and non-Federal entities.
- c. Assistant Manager for Environment, Safety and Quality reviews proposed work for compliance with DOE environment, safety, and health (ES&H) requirements, including the National Environmental Policy Act (NEPA).
- d. Assistant Manager for Environmental Restoration and Waste Management:
- (1) Executes agreements between OR and OFA in accordance with this ORIG and DOE 4300.2B.
 - (2) Reviews and recommends approval for contracts between OR contractors and non-Federal entities.
 - (3) Monitors the overall level of non-DOE funded work at the K-25 Site and the Hazardous Waste Remedial Action Program to ensure that it is within approved levels, and brings to the attention of the cognizant Secretarial Officer proposed work that would exceed those levels.
 - (4) For work performed at facilities under cognizance of the Assistant Manager for Environmental Restoration and Waste Management, performs that task identified in subparagraph 10k(8) of DOE 4300.2B.
- e. Director, Procurement and Contracts Division:
- (1) Reviews and certifies all non-DOE funded work for compliance with subparagraph 8a of DOE 4300.2B.
 - (2) Reviews and provides advice on subcontracting and competition issues.
- f. Director, Planning and Budget Division:
- (1) Formulates annual budget requests covering non-DOE funded work.
 - (2) Establishes and maintains administrative control of the funding system, including the certification of funds availability for each appropriation, and by recording obligations into the official DOE accounting system.

- (3) Reviews all funding documents; assures that no obligation is authorized or incurred in excess of available funds, or in excess of any legal limitation or funding ceiling, and ensures the accuracy of the DOE-added factor being applied to each document.
- (4) Develops and publishes budget procedures and practices as necessary to implement the provisions of this ORIG and DOE 4300.2B.

g. Director, Finance Division:

- (1) Provides financial guidance and procedural guidance to both DOE and contractor organizations.
- (2) Reviews and approves M&O contractor accounting practices and procedures to assure compliance with DOE Orders pertaining to non-DOE funded work, including, but not limited to, DOE 4300.2B, DOE 2110.1A, and DOE 2200.6, Chapter IX.
- (3) Reviews requests for exceptions to the Department's full cost recovery requirements and recommends appropriate action to the CFO.
- (4) Reviews and transmits the quarterly Exception to Full Cost Recovery Report, required by DOE 2200.6, to the Department's CFO.
- (5) Prepares financial reports on non-DOE funded work that may be requested or required by the Field CFO.
- (6) Develops and maintains adequate financial information on non-DOE funded work.
- (7) Reviews monthly reports and monitors costs reported against each work order.

h. Director, Safeguards and Security Division (SSD):

- (1) Ensures that prior to acceptance of any classified work for another Government agency that appropriate classification and protection information is exchanged and documented with the contractor's safeguards and security organization.
- (2) Ensures that classified mail and shipping channels are established prior to receiving or transmitting classified matters up to Secret-Restricted Data (SRD), or involving reimbursable weapons data work to other Government agencies or their contractors.

i. Chief Counsel:

- (1) Provides advice on M&O contractor conflict of interest questions arising from situations covered by this ORIG and DOE 4300.2B.
- (2) Provides legal advice regarding competition or anticompetitive practices.
- (3) Concurs in terms and conditions used in agreements with non-Federal entities and other Federal agencies.

j. Patent Counsel:

- (1) Develops and promulgates patent and technical data guidance pertaining to non-DOE funded work.
- (2) Provides advice on patent and technical data clauses, approves waivers of patent rights, and concurs in terms and conditions used in agreements with non-Federal entities and other Federal agencies.

k. Chief Financial Officer:

- (1) Approves Proposal Information Forms (PIFs) in conjunction with the OR Contracting Officer.
- (2) Develops and implements accounting and financial guidance and standards for work performed for non-DOE entities.
- (3) Submits an annual summary report for each DOE facility of work performed for non-DOE entities, as specified in subparagraph 10k(13) of DOE 4300.2B.

l. OR Classification Officer reviews non-DOE funded work according to procedures specified in DOE 5650.2B, and reviews and approves classification guidance before commencement of work.

m. OR WFO Committee:

- (1) Reviews and approves non-DOE funded work to determine appropriateness, as described in subparagraph 8a of DOE 4300.2B.
- (2) Reviews and approves non-DOE funded work for renewal of performance periods, additional work outside of the approved original scope, and when funding exceeds the approved original estimate by more than 20 percent.

- (3) Reviews and approves non-DOE funded work to determine appropriateness of work to be performed by M&O contractors.

n. WFO Program Managers:

- (1) Assure all proposals for non-DOE funded work meet requirements as described in subparagraph 8a(7) of this ORIG.
- (2) Review proposed work for compliance with DOE environmental, safety, and health requirements, including NEPA, and, when appropriate, report status to the cognizant Secretarial Officer.
- (3) Monitor work in progress for conformance to DOE guidance, regulations, and financial controls.
- (4) Review progress reports and monitor deliverables within their program area.
- (5) Concur in task descriptions and Statements of Work for appropriateness.
- (6) Notify OR Classification Officer if classified work is involved.

o. WFO Coordinators:

- (1) Review all non-DOE funded work requests to ensure conformance to DOE 4300.2B.
- (2) Assure all proposals for non-DOE funded work meet requirements as described in subparagraph 8a(7) of this ORIG.
- (3) Review agreements between OR and OFA to ensure compliance with this ORIG and DOE 4300.2B.
- (4) Prepare reports, as requested by OR management and DOE-Headquarters, covering work performed by OR contractors for non-DOE entities.
- (5) Review WFO guidance to ensure that all required information regarding compliance with the minimum standards as stated in Attachment 3 to DOE 4300.2B will be obtained from the sponsoring organization and the OR contractor prior to acceptance of the work by DOE.
- (6) Review WFO contracts between OR contractors and non-Federal entities.

- (7) Maintain information on each non-DOE activity as listed in Attachment 2 of DOE 4300.2B.

7. RESPONSIBILITIES - CONTRACTORS.

- a. Comply with DOE guidance governing non-DOE funded work.
- b. Participate in the definition of the scope of work.
- c. Review and accept, subject to the terms of their contract, proposed WFO projects assigned by DOE.
- d. Perform Work for Others projects authorized by DOE.
- e. Ensure milestones/deliverables are met.
- f. Comply with all DOE financial, ES&H, and other control requirements.
- g. Notify OR in writing when currently authorized funding is approximately 80 percent utilized. If additional funding is required, notify sponsor.
- h. Invoice customers, and collect and record revenues on behalf of OR.

8. PROCEDURES.

- a. Work for Other Federal Agencies (OFA):
 - (1) OFA initiates technical work scope discussions with the M&O contractor and OR.
 - (2) M&O contractor submits a PIF (Attachment 3) and draft proposal to OR.
 - (3) PIF and draft proposal are reviewed by WFO Coordinator for compliance with DOE 4300.2B and this ORIG.
 - (4) PIF and draft proposal are reviewed by the OR Program Manager for appropriateness of work, availability of resources, financial impact, ES&H requirements, and competitiveness.
 - (5) OR Program Managers and OR WFO Coordinators review and recommend PIF for consideration by OR WFO Committee.

- (6) OR WFO Committee reviews and approves/disapproves PIF.
- (7) Upon approval of the PIF, the M&O contractor submits final proposal to OR consisting of:
 - (a) detailed description of the work, covering up to five years,
 - (b) detailed cost breakdown by major cost element,
 - (c) a listing of deliverables, milestones, and schedules and their due dates,
 - (d) responsibilities of the sponsor and the M&O contractor,
 - (e) DOE/OR WFO Terms and Conditions, and
 - (f) Work for Others Proposal Checklist
- (8) OR WFO Coordinators and Program Managers review proposal to assure agreement with approved PIF.
- (9) OR Classification Officer reviews and approves the OFA's Classification Guide for classified tasks.
- (10) OR approves proposal and submits to OFA for funding consideration.
- (11) OFA sends a funding authorization guaranteeing funding availability to OR. The funding authorization must include the following statement:

"This agreement is entered into pursuant to the authority of the Economy Act of 1932, as amended (31 USC 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 private sector. This work will be performed in accordance with the DOE/OR Work for Others Terms and Conditions attached to DOE/OR Proposal No. ____."
- (12) OR WFO Coordinators review funding authorization and WFO Funding Justification Form (prepared by the M&O contractor) to ensure compliance with DOE 4300.2B and this ORIG.

- (13) OR Program Manager reviews and approves all task descriptions included with the funding authorization to ensure appropriateness of work and conformity with proposal.
- (14) OR accepts the funding authorization, certifies funds availability, modifies the M&O contract, and authorizes the M&O contractor by letter to perform the work.
- (15) M&O contractor opens billing account to begin work, and bills sponsor on behalf of OR on monthly basis for actual cost incurred.

b. Work for Non-Federal Entities:

- (1) Non-Federal entity initiates technical work scope discussions with M&O contractor and OR.
- (2) Non-Federal entity submits a letter to OR detailing:
 - (a) the specific services requested of OR's contractor,
 - (b) the reason the requested services cannot be obtained from the private sector, and
 - (c) by state and local governments, the authority to enter into the necessary agreement.
- (3) M&O contractor submits PIF (Attachment 3) and draft proposal to OR.
- (4) PIF and draft proposal reviewed by WFO Coordinator for compliance with DOE 4300.2B and this ORIG.
- (5) PIF and draft proposal reviewed by OR Program Manager for appropriateness of work, availability of resources, financial impact, ES&H requirements, and competitiveness.
- (6) OR Program Managers and OR WFO Coordinators review and recommend PIF for consideration by OR WFO Committee.
- (7) OR WFO Committee reviews and approves/disapproves PIF.

- (8) Upon approval of the PIF, the M&O contractor submits a contract and proposal to the non-Federal entity for review and signature. The proposal consists of:
 - (a) detailed description of the work, covering up to five years,
 - (b) detailed cost breakdown by major cost element,
 - (c) listing of deliverables, milestones, and schedules and their due dates, and
 - (d) responsibilities of the sponsor and the M&O contractor.
 - (9) M&O contractor submits contract signed by both the non-Federal entity and the M&O contractor along with the proposal and Work for Others Proposal Checklist to OR.
 - (10) OR reviews the contract, proposal, and Work for Others Proposal Checklist to assure agreement with approved PIF and signs the contract as approved.
 - (11) M&O contractor obtains advance payment from non-Federal entity in accordance with DOE 2200.6, Chapter IX.
 - (12) M&O contractor opens billing accounts to begin work.
9. RECORDS. The following records will be generated under this ORIG and will be maintained and disposed of in accordance with the DOE Records Management Program:
- a. Proposal Information Form
 - b. Proposal with OR WFO Terms and Conditions
 - c. Funding Authorizations from non-DOE Entities
 - d. WFO Proposal Checklist
 - e. WFO Funding Justification Form
 - f. Classification Guidance
 - g. Executed Contracts Approved by OR

- h. Memorandums of Understanding
- i. Miscellaneous Correspondence

10. ATTACHMENTS.

- a. Attachment 1 - WFO Federal Agencies Flowchart
- b. Attachment 2 - WFO Non-Federal Entities Flowchart
- c. Attachment 3 - Proposal Information Form
- d. Attachment 4 - DOE/OR WFO Terms and Conditions
- e. Attachment 5 - DOE/OR WFO Funding Justification
- f. Attachment 6 - WFO Proposal Checklist

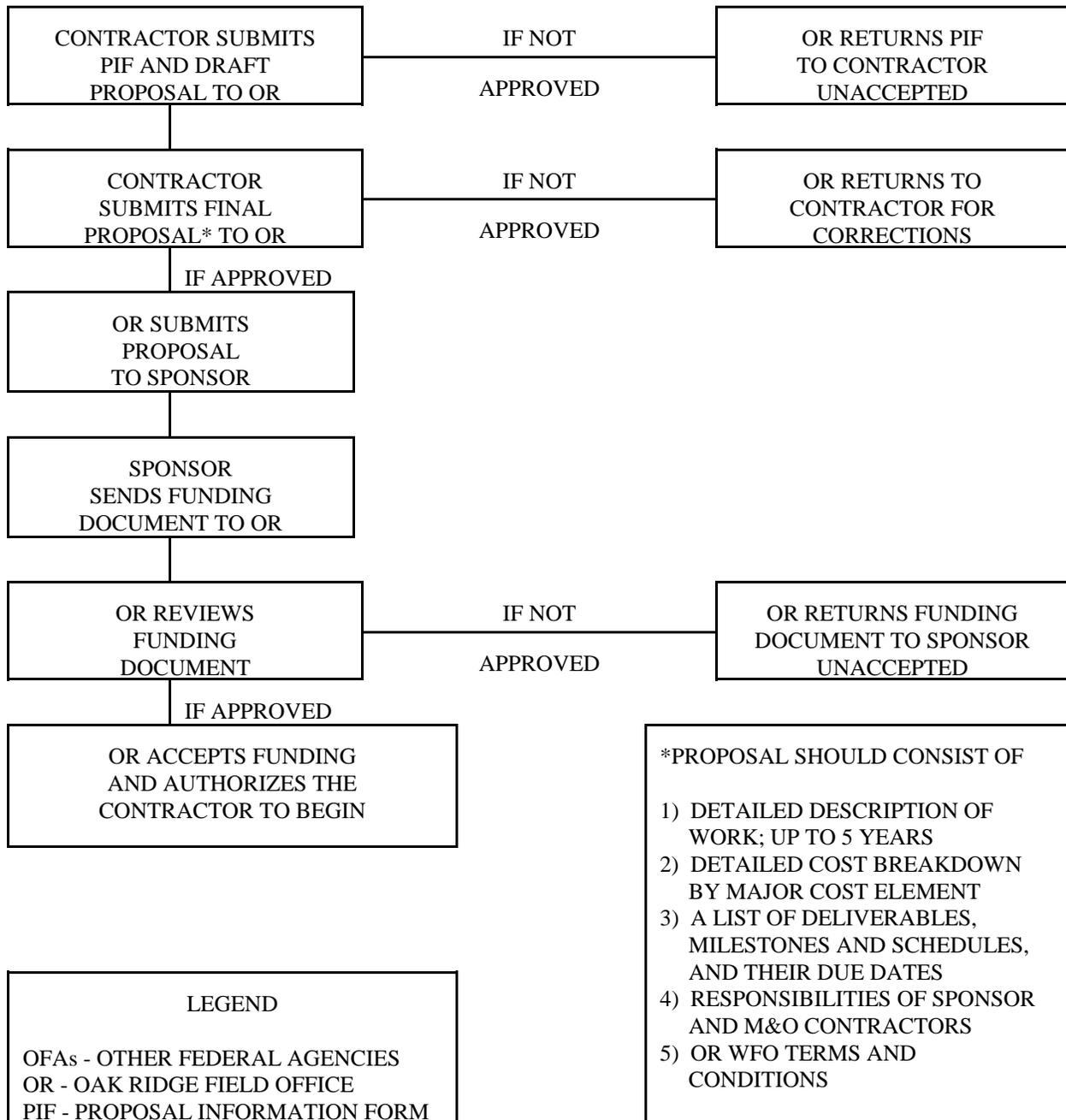
Original Signed By

Daniel H. Wilken
Assistant Manager
for Administration

ATTACHMENT 1

OAK RIDGE FIELD OFFICE/WORK FOR OTHERS PROGRAM

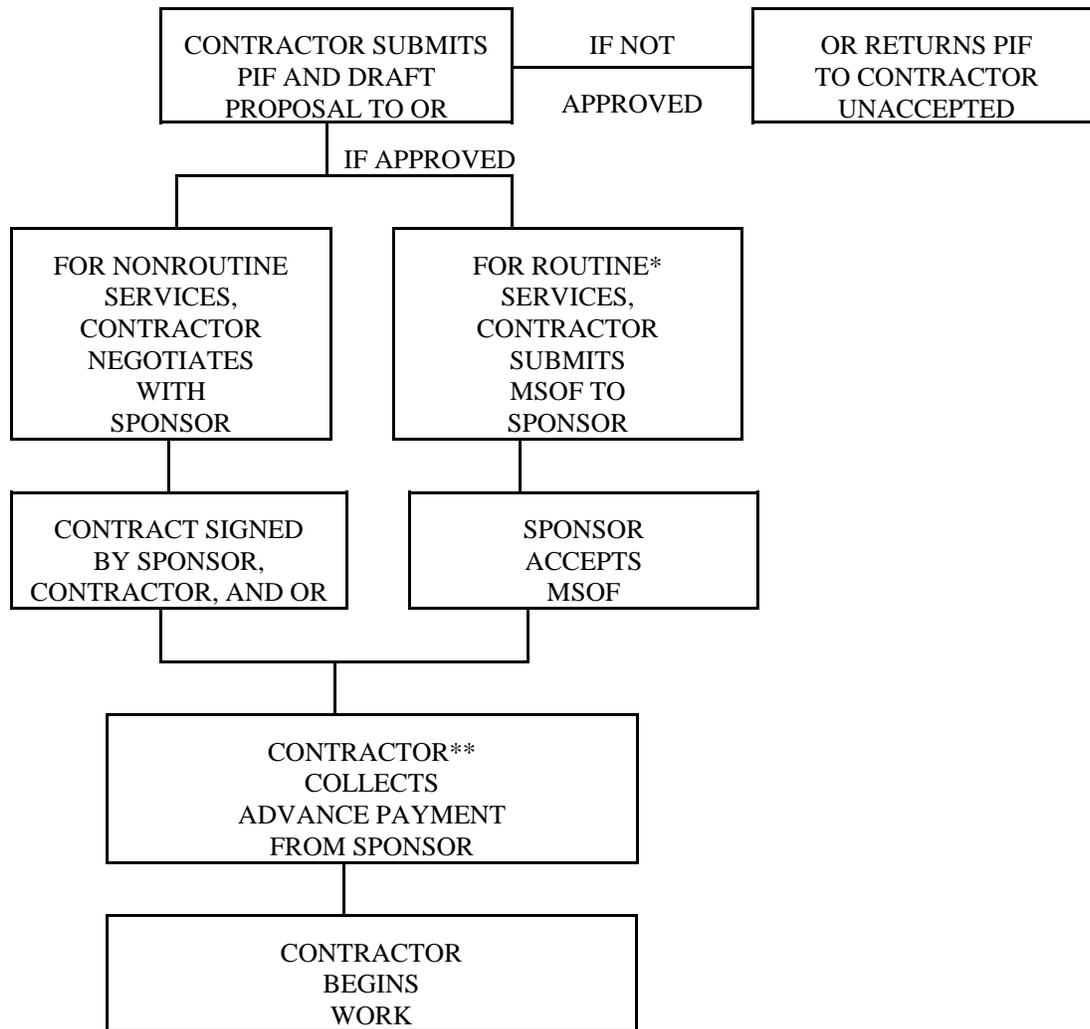
FEDERAL AGENCIES



ATTACHMENT 2

OAK RIDGE FIELD OFFICE/WORK FOR OTHERS PROGRAM

NON-FEDERAL ENTITIES



LEGEND

MSOF - MATERIALS AND SERVICES ORDER FORM

OR - OAK RIDGE FIELD OFFICE

PIF - PROPOSAL INFORMATION FORM

*ROUTINE SERVICES ARE THOSE FOR WHICH THERE IS A PUBLISHED PRICE.

**CONTRACTOR COLLECTS ADVANCE PAYMENT FROM SPONSOR IN ACCORDANCE WITH PROVISIONS IN DOE 4300.2B AND DOE 2200.6.

ATTACHMENT 3

Form No.: OR F 4300 (Rev. 06/92)

CWFOO PIF NO. _____

OR WORK FOR OTHERS REVIEW COMMITTEE PROPOSAL INFORMATION FORM

(If classified work is involved, notify DOE WFO Program Manager prior to submitting this form.)

| | | |
|---|--|---|
| 1. Energy Systems Principal Investigator/Program Manager Phone: Bldg: MS: | | 2. Circle: A. New B. Revision: Change in scope, funding and/or performance period. |
| Badge Number/Division/Section/Program Area: | | |
| 3. DOE Project No. | 4. Sponsor: (Name of organization, contact and phone number) | |

PROJECT DESCRIPTION AND APPROPRIATENESS CRITERIA

5. Title and brief summary. Please attach a draft proposal.

6. How was the request to perform this project originated? (Check One)

| | | |
|--|---|--|
| <input type="checkbox"/> Prior Sponsor WFO Experience | <input type="checkbox"/> Capabilities Statement Follow-up | <input type="checkbox"/> Response to BAA-Type solicitation |
| <input type="checkbox"/> Technical Publication Follow-up | <input type="checkbox"/> Professional Contact | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Grant Application | <input type="checkbox"/> Direct Sponsor Inquiry | |

7. Is this project jointly funded by DOE? Yes or No If so, state percentage of work funded by each agency.
DOE _____ % vs. Sponsor _____ %

8. To the best of your knowledge, will this project place Energy Systems in direct competition with the domestic private or public sector?

Please circle: Yes or No Please explain Energy Systems special or unique capabilities.

FUNDING/COST AND SCHEDULE INFORMATION

9. Provide estimated project cost and person-years by fiscal year and in total for the performance period (see example in Guidelines).

ATTACHMENT 3
Page 2

OR WORK FOR OTHERS REVIEW COMMITTEE PROPOSAL INFORMATION FORM (continued)

10. For Revised Agreements: A. FY project began: B. Previous year's cost:
C. Total funds to date: D. Total cost to date:

11. Percentage of work to be performed at: X-10 ___ Y-12 ___ K-25 ___ Portsmouth ___ Paducah ___
HAZWRAP/Tri-County ___ DSRD/Commerce Park ___ = Total 100%
Other DOE facilities (name/%) _____

12. Estimated percentage of project dollars to be subcontracted for the first year and for the overall project. Describe nature and location of subcontracted work and provide a justification for the proposed subcontracting. (Note: If the overall subcontracting percentage is 35% or higher, a subcontracting plan is required with this PIF.)

13. Basis for pricing:

A. Federal: ___ Fund Cost & DAF ___ Fund Cost
Non-Federal: ___ Full Cost ___ Fund Cost
(If priced at fund cost, attach a completed "Exception to Full Cost Recovery" form as required in DOE 2110.1A.)

B. Advance payment (non-Federal sponsors only)
___ Required ___ Waived
(If waived, provide justification as outlined in DOE 2200.6 in item #20 or on a separate page.)

14. Will this project adversely impact execution of assigned programs of the Energy Systems facility? Please circle: Yes or No
Please explain.

15. Does this work involve human or animal research? Please circle: Yes or No If yes, please attach the Human Studies/Animal Care Committee approval.

16. Will additional resources (equipment and personnel) be required to perform this work? Please circle: Yes or No
If yes, please explain. Note: If ADP equipment (hardware, software, telecommunications) is required, describe how it will be obtained and where it will be located.

17. Will this project require any construction or modification of DOE equipment or facilities? Yes or No If yes, please explain.

18. Will this project create a potentially detrimental future burden on commitment of DOE resources (for example, waste disposal, continuing maintenance, animal care, storage cost, etc.)? Yes or No Please explain.

ATTACHMENT 3
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OR WORK FOR OTHERS REVIEW COMMITTEE PROPOSAL INFORMATION FORM (continued)

19. State how work is consistent with and complementary to DOE-OR's mission and the mission of the Energy Systems organization to which the work is to be assigned. Provide specific reference to DOE B&R Nos.

COMMENTS

20. Additional comments/requests for special provisions or exceptions, including any separate MOU, involvement of foreign nationals, foreign travel, or work to be performed outside the U.S.

The proposed work will be conducted in compliance with all requirements of the current DOE/Energy Systems contract, including NEPA and all other environmental, safety, and health requirements.

Energy Systems Approval: _____
Type Name and Title Signature Date

Energy Systems WFO Committee Approval: _____ Date: _____

DOE/OR WFO Coordinator Approval: _____ Date: _____

DOE/OR Program Manager Approval: _____ Date: _____

I hereby certify that the work to be performed is consistent with the legislative authority of the Department and complies with DOE policy as required in DOE 4300.2B, paragraph 8a.

DOE/OR Contracting Officer signature _____ Date: _____

DOE/OR WFO Committee Action: Approved _____ Disapproved _____

Committee Chairman signature _____ Date: _____

USE ADDITIONAL PAGES IF ADDITIONAL SPACE IS REQUIRED

ATTACHMENT 4

**DEPARTMENT OF ENERGY (DOE)
OAK RIDGE FIELD OFFICE (OR)
WORK FOR OTHERS TERMS AND CONDITIONS**

DOE/OR Proposal No. _____

- I. All work will be performed in accordance with DOE and Martin Marietta Energy Systems, Inc., (Energy Systems) Management and Operating Contract No. DE-AC05-84OR21400.
- II. This work will be performed on a best effort basis and neither DOE, Energy Systems, nor persons acting on their behalf will be responsible, irrespective of causes, for failure to perform their services or furnish the materials or information hereunder at any particular time or in any specific manner. Furthermore, DOE and Energy Systems hereby specifically disclaim any and all warranties, express or implied, including any warranty of merchantability or fitness for any purpose.
- III. This project may be modified by mutual consent of both the (Sponsor) and DOE at any time or may be terminated by either agency upon a thirty-day (30) advance written notice to the other. In the event of termination by either agency, DOE will be reimbursed by the (Sponsor) for costs required to terminate and closeout the task activity.
- IV. In the event of a dispute between the (Sponsor) and DOE or Energy Systems, no authorized final decision will be issued without the concurrence of the contracting officers of both the (Sponsor) and DOE. If the dispute cannot be resolved, the contracting officers of both the (Sponsor) and DOE will agree upon a third-party forum to settle the dispute.
- V. Funds shall be considered obligated upon DOE's acceptance of the funds and issuance of direction by letter to Energy Systems. As DOE is obligating the funds for this project under contract with Energy Systems, it is recommended that no project/fund expiration dates be added to the funding document and that any schedules or delivery dates be expressed in the project task description.

Performance by DOE/Energy Systems shall continue until one or more of the following conditions are met:
 - a. Completion of the Statement of Work and Task Closeout;
 - b. Expenditures/commitments equal the amount authorized for this task;
 - c. Task termination by either party to this project;
 - d. Work completion date as specified in the funding document. DOE cannot accept work completion dates not mutually agreed to by both parties. (Work completion dates are not to be confirmed with obligational expiration dates.)
- VI. Work performed for other Federal agencies shall be fully funded prior to commencement of work if the work is to be completed within the current fiscal year. For work that transcends the fiscal year, full funding for the current fiscal year plus the first three months of the following year shall be required.
- VII. DOE will account for and control funds by individual funding documents as specified by DOE 2200.6, Chapter IX, unless specific written instructions to the contrary are received from a certifying officer of the (Sponsor).
- VIII. Billing will be performed on behalf of DOE by Energy Systems Central Accounting Department to the billing address indicated on each funding authorization. Billing is performed monthly for the costs recorded during the previous month on an SF 1080 for reimbursement to the DOE appropriation on the basis of actual costs incurred.
- IX. The (Sponsor) cannot withhold or delay reimbursement to DOE. The Economy Act of 1932, as amended, P.L. 98-216, February 14, 1984, paragraph 1535 (b), states, "Payment shall be made promptly by check on the written request of the agency or unit filling the order. Payment may be in advance or on providing the goods and services ordered and shall be for any part of the estimated or actual cost as determined by the agency or unit filling the order. A bill submitted or a request for payment is not subject to audit or certification in advance of payment. Proper adjustment of amounts paid in advance shall be made as agreed to by the heads of the agencies or units on the basis of the actual cost of goods or services provided."
- X. Inventions made in performance of this work may fall within the DOE-issued Class Patent Waiver to Energy Systems, and Energy Systems may elect to retain title to such inventions subject to retention by the Federal Government of march-in-rights and a non-exclusive, nontransferrable, irrevocable, paid-up license to practice or have practiced, for or on behalf of the U.S., the invention throughout the world.

ATTACHMENT 4

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- XI. Title of permanent construction will pass to DOE upon completion of construction and acceptance by DOE. If equipment is acquired as part of the project, such equipment will be accounted for and maintained during the term of the project in the same manner as DOE property. When the project terminates, disposition of the equipment will be as previously agreed to or as instructed by the requesting agency. This equipment may be delivered to the requesting agency's location, transferred to DOE, or declared as excess.
- XII. Security requirements to be followed in performance of the work will be in accordance with applicable DOE Orders. If classified work or access to classified information is required, (Sponsor) will provide to DOE applicable classification guidance and any new guides/updates as they are developed. Before work begins or classified matter is received or transmitted, a classified mail and/or shipping channel shall be established and approved by the appropriate (Sponsor) certifying official.
- XIII. a. (Sponsor) recognizes that Energy Systems will perform the work assigned to DOE under this project pursuant to the "Related Services" provision of the DOE/Energy Systems contract. The DOE-approved internal procedure governing access to and flow of information between Energy Systems and its affiliate organizations will apply to all work performed under the terms of this project. These procedures are subject to DOE audit at all times. In accordance with the Organization Conflict of Interest terms of said contract, Energy Systems, including any of its officials who may acquire information as part of their management responsibilities, is prohibited from further disseminating any third-party proprietary data or government sensitive data/information, as indicated by restrictive markings identifying the data and information so protected, to its affiliated organizations.
- b. In view of the above, the (Sponsor) hereby agrees that affiliates of Energy Systems shall not be restrained or restricted from competing for any related follow-on contracts or subcontracts to be awarded by the (Sponsor) which relate to work under this project.

XIV. Department of Energy, Oak Ridge Field Office, Project Contacts:

(Name) Program Manager
 Department of Energy
 Oak Ridge Field Office
 Post Office Box 2001
 Oak Ridge, Tennessee 37831-xxxx
 (Telephone Number)

(Name) Work for Others Coordinator
 Department of Energy
 Oak Ridge Field Office
 Post Office Box 2001
 Oak Ridge, Tennessee 37831-xxxx
 (Telephone Number)

Martin Marietta Energy Systems, Inc., Project Contact:

(Name) Martin Marietta Energy Systems, Inc.
 Data Systems Research and
 Development Project
 Post Office Box 2003
 Oak Ridge, Tennessee 37831-xxxx
 (Telephone Number)

Department of the Army Project Contact:

(Name) Assistant Deputy Chief of Staff
 for Intelligence
 Headquarters Department of the Army
 Room 2E466
 Pentagon
 Washington, D.C. 21210-xxxx
 (Telephone Number)

ATTACHMENT 5

DOE-OR WFO FUNDING JUSTIFICATION FORM

1. Agency Funding Document No. _____
2. DOE Project No. _____
3. If this funding is not from the sponsor to whom the approved proposal was sent, show the relationship between the sponsors. _____

4. Work Completion Date
 - a. Can you meet the completion date of _____ specified on the above funding document? "Yes" or "No" - If no, please estimate the completion date and provide any pertinent comments. _____

 - b. No completion date was specified on the above funding document. I estimate the described task statement will be completed on _____.
5. Please check and/or complete one of the following:
 - a. _____ The above funding document includes an acceptable and concise task description of the work to be performed.
 - b. _____ The above funding document provides no task description or provides an inadequate task description. A clear description of the work to be performed is attached and has been discussed with the following sponsor program manager _____.
6. Does this work involve classified information? "Yes" or "No" - If yes, answer the following:
 - a. What level? ___ Confidential ___ Secret ___ Top Secret ___ Other
 - b. Where will classified work be performed? _____
 - c. Has a classified mail channel been certified between OR and sponsor? ___ Yes ___ No
 - d. Attach copy of classification guidance. (If classification guidance is classified, send directly to the DOE-OR Work for Others Office, DP-802, Room G059.)
7. Is this task fully funded by the sponsor? "Yes" or "No" - If no, obtain documentation of sponsor's request for waiver of full funding requirement and attach to this package. This refers to funding for the specific task under this funding document and not necessarily funding for the entire project.
8. Will these funds be subcontracted? _____ If yes, state the percentage of work performed by Energy Systems vs. the percentage to be subcontracted.

This Task: ___% for Energy Systems vs. ___% for subcontractor
Overall Project: ___% for Energy Systems vs. ___% for subcontractor.

ATTACHMENT 6
Page 2

WFO Proposal Checklist (Cont'd.)

- 4. Will hazardous and/or radioactive materials be released to the environment?
YES NO
- 5. What level of NEPA is anticipated? NA , CX , EA , EIS
- 6. Who is the lead agency for NEPA? NA , or _____
- 7. Will any new discharge permits, storage permits, compliance agreements, etc., be required?
YES NO If yes, please describe below.
- 8. Are there any exceptions to DOE orders or to Energy Systems policies and procedures anticipated? YES NO If yes, please describe below.
- 9. Will a Quality Assurance plan be prepared? YES NO
- 10. Will a readiness review be required? YES NO
- 11. Will classified information be involved? YES NO If yes, please indicate how/when classification guidance will be received.
- 12. Are there other nonroutine, ES&H, security, and/or quality assurance issues or impacts?
YES NO If yes, please describe below.

Conducting work off-site or affirmative responses to questions 2, 3, 4, 7, or 8 or a response other than "NA" to question 5 requires ES&H review. An affirmative response to question 9 or 10 requires site quality review. An affirmative response to question 11 requires security review. An affirmative response to question 12 requires the appropriate review.

Submitted by: _____ Supplemental Reviews: ES&H _____ Date _____

Date: _____ Security _____ Date _____

Quality _____ Date _____