

SUBCHAPTER I—AGENCY SUPPLEMENTARY REGULATIONS

- **PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS**
- **PARTS 971-999 [RESERVED]**

- **PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS**
 - Subpart 970.01—Management and Operating Contract Regulatory System
 - 970.0100 Scope of part.
 - 970.0103 Publication and codification.
 - Subpart 970.03—Improper Business Practices and Personal Conflicts of Interest
 - 970.0309 Whistleblower Protection of Contractor Employees.
 - 970.0309-1 Applicability.
 - 970.0370 Management Controls and Improvements.
 - 970.0370-1 Policy.
 - 970.0370-2 Contract clause.
 - 970.0371 Conduct of employees of DOE management and operating contractors.
 - 970.0371-1 Scope of section.
 - 970.0371-2 Applicability.
 - 970.0371-3 Definition.
 - 970.0371-4 Gratuities.
 - 970.0371-5 Use of privileged information.
 - 970.0371-6 Incompatibility between regular duties and private interests.
 - 970.0371-7 Outside employment of contractor employees.
 - 970.0371-8 Employee disclosure concerning other employment services.
 - 970.0371-9 Contract clause.
 - Subpart 970.04—Administrative Matters
 - 970.0404 Safeguarding classified information.
 - 970.0404-2 General.
 - 970.0404-3 Responsibilities of contracting officers.
 - 970.0407 Contractor records retention.
 - 970.0407-100 Applicability. 0
 - 970.0407-1-110 Alternate retention schedules.
 - 970.0407-120 Access to and ownership of records.
 - 970.0407-130 Contract clause.
 - 970.0470 Department of Energy Directives.
 - 970.0470-1 General.
 - 970.0470-2 Contract clause.
 - Subpart 970.08—Required sources of supplies and services
 - 970.0801 Excess personal property.
 - 970.0801-2 Policy.
 - 970.0808 Acquisition of printing and related supplies.
 - 970.0808-00 Scope.
 - 970.0808-2 Policy.
 - 970.0808-3 Contract clause.
 - Subpart 970.09—Contractor Qualifications
 - 970.0905 Organizational and consultant conflicts of interest.
 - 970.0970 Performance guarantees.

- [970.0970-1 Determination of responsibility.](#)
- [970.0970-2 Solicitation provision.](#)
- [Subpart 970.11—Describing Agency Needs](#)
 - [970.1100 Policy.](#)
 - [970.1100-1 Performance-based contracting.](#)
 - [970.1103-4 Contract clause.](#)
 - [970.1170 Work authorization.](#)
 - [970.1170-1 Policy.](#)
 - [970.1170-2 Contract provision.](#)
- [Subpart 970.15—Contracting by Negotiation](#)
 - [970.1504 Contract pricing.](#)
 - [970.1504-100 Price analysis.](#)
 - [970.1504-101 Fees for management and operating contracts.](#)
 - [970.1504-102 Fee policy.](#)
 - [970.1504-103 Fee determination.](#)
 - [970.1504-104 Calculating the maximum total available fee amount for a one-year period.](#)
 - [970.1504-105 Fee base.](#)
 - [970.1504-106 Fee schedules.](#)
 - [970.1504-107 Classification factors.](#)
 - [970.1504-108 Determining the appropriate percentage by considering the significant factors.](#)
 - [970.1504-109 Adding the fee subtotals for a one-year period.](#)
 - [970.1504-110 Allocating the maximum total available fee amount for a one-year period to one or more of the contract's evaluation periods.](#)
 - [970.1504-111 The maximum total available fee amount for a contract.](#)
 - [970.1504-200 Documentation.](#)
 - [970.1504-201 Cost or pricing data.](#)
 - [970.1504-300 Solicitation provision and contract clauses.](#)
 - [970.1504-400 Special cost or pricing areas.](#)
- [Subpart 970.17—Special Contracting Methods](#)
 - [970.1706 Management and operating contracts.](#)
 - [970.1706-1 Award, renewal, and extension.](#)
 - [970.1706-2 Contract clause.](#)
 - [970.1707 Strategic Partnership Projects.](#)
 - [970.1707-1 Scope.](#)
 - [970.1707-2 Purpose.](#)
 - [970.1707-3 Terms governing Strategic Partnership Projects.](#)
 - [970.1707-4 Contract clause.](#)
 - [970.1708 Agreements for commercializing technology \(ACT\).](#)
 - [970.1708-1 Scope.](#)
 - [970.1708-2 General.](#)
 - [970.1708-3 Contract clause.](#)
- [Subpart 970.19—Small Business Programs](#)
 - [970.1907 The Small Business Subcontracting Program.](#)
 - [970.1907-4 Subcontracting plan requirements.](#)
 - [970.1907-8 Contract clauses.](#)
- [Subpart 970.22—Application of Labor Policies](#)
 - [970.2200 Scope of subpart.](#)
 - [970.2201 Basic labor policies.](#)
 - [970.2201-100 Labor relations.](#)

- [970.2201-110 General.](#)
- [970.2201-120 Policies.](#)
- [970.2201-130 Contract clause.](#)
- [970.2201-140 Wages, salaries, and employee benefits.](#)
- [970.2201-200 Overtime management.](#)
- [970.2201-210 Policy.](#)
- [970.2201-220 Contract clause.](#)
- [970.2204 Labor standards for contracts involving construction.](#)
- [970.2208 Equal employment opportunity.](#)
- [970.2210 Service contract labor standards.](#)
- [970.2270 Unemployment compensation.](#)
- [970.2270-2 Contract clause.](#)
- [970.23—Environment, Sustainable Acquisition, and Material Safety](#)
 - [970.2301 Sustainable acquisition.](#)
 - [970.2301-1 \[Reserved\]](#)
 - [970.2301-2 Contract clauses.](#)
 - [970.2303 Hazardous materials identification and material safety.](#)
 - [970.2303-2 General.](#)
 - [970.2303-3 Contract clauses.](#)
- [Subpart 970.25—Foreign Acquisition](#)
 - [970.2570 Buy American Act.](#)
 - [970.2570-1 Contract clause.](#)
 - [970.2571 Export control.](#)
 - [970.2571-1 Scope of subpart.](#)
 - [970.2571-2 Policy.](#)
 - [970.2571-3 Contract clause.](#)
- [Subpart 970.26—Other Socioeconomic Programs](#)
 - [970.2605 Workplace substance abuse programs—management and operating contracts.](#)
 - [970.2605-1 General.](#)
 - [970.2605-2 Applicability.](#)
 - [970.2605-3 Definitions.](#)
 - [970.2605-4 Solicitation provision and contract clause.](#)
 - [970.2606 Suspension of payments, termination of contract, and debarment and suspension actions.](#)
 - [970.2670 Implementation of Section 3021 of the Energy Policy Act of 1992.](#)
 - [970.2670-1 Requirements.](#)
 - [970.2671 Diversity.](#)
 - [970.2671-1 Policy.](#)
 - [970.2671-2 Contract clause.](#)
 - [970.2672 Implementation of Section 3161 of the National Defense Authorization Act for Fiscal Year 1993.](#)
 - [970.2672-1 Policy.](#)
 - [970.2672-2 Requirements.](#)
 - [970.2672-3 Contract clause.](#)
 - [970.2673 Regional partnerships.](#)
 - [970.2673-1 Policy.](#)
 - [970.2673-2 Contract clause.](#)
- [Subpart 970.27—Patents, Data, and Copyrights](#)
 - [970.2701 General.](#)
 - [970.2701-1 Applicability.](#)

- [970.2702 Patent and copyrights.](#)
- [970.2702-70 Solicitation provision and contract clauses.](#)
- [970.2703 Patent rights.](#)
- [970.2703-1 Purposes of patent rights clauses.](#)
- [970.2703-2 Patent rights clause provisions for management and operating contractors.](#)
- [970.2704 Rights in data.](#)
- [970.2704-1 General.](#)
- [970.2704-2 Procedures.](#)
- [970.2704-3 Contract clauses.](#)
- [970.2770 Technology Transfer.](#)
- [970.2770-1 General.](#)
- [970.2770-2 Policy.](#)
- [970.2770-3 Technology transfer and patent rights.](#)
- [970.2770-4 Contract clause.](#)
- [Subpart 970.28—Bonds and Insurance](#)
 - [970.2803 Insurance.](#)
 - [970.2803-1 Workers' compensation insurance.](#)
 - [970.2803-2 Contract clause.](#)
- [Subpart 970.29—Taxes](#)
 - [970.2902 Federal excise taxes.](#)
 - [970.2902-3 Other Federal tax exemptions.](#)
 - [970.2903 State and local taxes.](#)
 - [970.2903-2 Application of State and local taxes to the Government.](#)
 - [970.2904 Contract clauses.](#)
 - [970.2904-1 Management and operating contracts.](#)
- [Subpart 970.30—Cost Accounting Standards Administration](#)
 - [970.3002 CAS program requirements.](#)
 - [970.3002-1 CAS applicability.](#)
- [Subpart 970.31—Contract Cost Principles and Procedures](#)
 - [970.3101-1 Scope of subpart.](#)
 - [970.3101-2 Applicability.](#)
 - [970.3101-9 Advance agreements.](#)
 - [970.3101-10 Indirect cost rate certification and penalties on unallowable costs.](#)
 - [970.3102-370 Home office expenses.](#)
 - [970.3102-500 Selected costs.](#)
 - [970.3102-504 Bonding costs.](#)
 - [970.3102-506 Compensation for personal services.](#)
 - [970.3102-518 Independent research and development and bid and proposal costs.](#)
 - [970.3102-519 Insurance and indemnification.](#)
 - [970.3102-522 Lobbying and political activity costs.](#)
 - [970.3102-528 Other business expenses.](#)
 - [970.3102-530 Patent costs.](#)
 - [970.3102-0531 Patent costs and technology transfer costs.](#)
 - [970.3102-533 Professional and consultant service costs.](#)
 - [970.3102-546 Travel costs.](#)
 - [970.3102-547 Costs related to legal and other proceedings.](#)
 - [970.3102-570 Preexisting conditions.](#)
 - [970.3170 Contract clause.](#)
- [Subpart 970.32—Contract Financing](#)
 - [970.3200 Policy.](#)

- [970.3200-1 Reduction or suspension of advance, partial, or progress payments.](#)
- [970.3200-11 Contract clause.](#)
- [970.3204 Advance payments.](#)
- [970.3204-1 Applicability.](#)
- [970.3270 Standard financial management clauses.](#)
- [Subpart 970.34—Major System Acquisition](#)
 - [970.3405 General requirements.](#)
 - [970.3405-2 Mission-oriented solicitation.](#)
 - [970.35 Research and development contracting.](#)
- [Subpart 970.35—Research and Development Contracting](#)
 - [970.3500 Scope of subpart.](#)
 - [970.3501 Federally funded research and development centers.](#)
 - [970.3501-1 Sponsoring agreements.](#)
 - [970.3501-2 Using an FFRDC.](#)
 - [970.3501-3 Reviewing FFRDC's.](#)
 - [970.3501-4 Contract clause.](#)
- [Subpart 970.36—Construction and Architect-Engineer Contracts](#)
 - [970.3605 Contract clauses.](#)
 - [970.3605-1 Other contracts.](#)
 - [970.3605-2 Special construction clause for operating contracts.](#)
- [Subpart 970.37—Facilities Management Contracting](#)
 - [970.3706 Performance-based acquisition.](#)
 - [970.3706-1 General.](#)
 - [970.3770 Facilities management.](#)
 - [970.3770-1 Policy.](#)
 - [970.3770-2 \[Reserved\]](#)
- [Subpart 970.41—Acquisition of Utility Services](#)
 - [970.4102 Acquiring utility services.](#)
 - [970.4102-1 Policy.](#)
- [Subpart 970.42—Contract Administration](#)
 - [970.4207-302 Certificate of costs.](#)
 - [970.4207-370 Contract clause.](#)
 - [970.4207-501 Contracting officer determination procedure.](#)
- [Subpart 970.43—Contract Modifications](#)
 - [970.4302 Changes.](#)
 - [970.4302-1 Contract clause.](#)
- [Subpart 970.44—Management and Operating Contractor Purchasing](#)
 - [970.4400 Scope.](#)
 - [970.4401 Responsibilities.](#)
 - [970.4401-1 General.](#)
 - [970.4401-2 Review and approval.](#)
 - [970.4401-3 Advance notification.](#)
 - [970.4402 Contractor purchasing system.](#)
 - [970.4402-1 Policy.](#)
 - [970.4402-2 General requirements.](#)
 - [970.4402-3 Purchasing from contractor-affiliated sources.](#)
 - [970.4402-4 Nuclear material transfers.](#)
 - [970.4403 Contract clause.](#)
- [Subpart 970.45—Government Property](#)
 - [970.4501 General.](#)
 - [970.4501-1 Applicability.](#)

- [970.4501-2 Contract clause.](#)
- [Subpart 970.49—Termination of Contracts](#)
 - [970.4905 Contract termination clause.](#)
 - [970.4905-1 Termination for convenience of the government and default.](#)
- [Subpart 970.50—Extraordinary Contractual Actions and the Safety Act](#)
 - [970.5001 Residual powers.](#)
 - [970.5001-4 Contract clause.](#)
 - [970.5070 Indemnification.](#)
 - [970.5070-1 Scope and applicability.](#)
 - [970.5070-2 General.](#)
 - [970.5070-3 Contract clauses.](#)
- [Subpart 970.52—Solicitation Provisions and Contract Clauses for Management and Operating Contracts](#)
 - [970.5200 Scope of subpart.](#)
 - [970.5201 Text of provisions and clauses.](#)
 - [970.5203-1 Management controls.](#)
 - [970.5203-2 Performance improvement and collaboration.](#)
 - [970.5203-3 Contractor's organization.](#)
 - [970.5204-2 Laws, regulations, and DOE directives.](#)
 - [970.5204-3 Access to and ownership of records.](#)
 - [970.5208-1 Printing.](#)
 - [970.5209-1 Requirement for guarantee of performance.](#)
 - [970.5211-1 Work authorization.](#)
 - [970.5215-1 Total available fee: Base fee amount and performance fee amount.](#)
 - [970.5215-2 \[Reserved\]](#)
 - [970.5215-3 Conditional payment of fee, profit, and other incentives—facility management contracts](#)
 - [970.5215-5 Limitation on fee.](#)
 - [970.5217-1 Strategic partnership projects program.](#)
 - [970.5217-2 Agreements for commercializing technology.](#)
 - [970.5219 Small business subcontracting plan.](#)
 - [970.5222-1 Collective Bargaining Agreements Management and Operating Contracts.](#)
 - [970.5222-2 Overtime management.](#)
 - [970.5222-4 Unemployment compensation.](#)
 - [970.5223-1 Integration of environment, safety, and health into work planning and execution.](#)
 - [970.5225-1 Compliance with export control laws and regulations \(Export Clause\).](#)
 - [970.5226-1 Diversity plan.](#)
 - [970.5226-2 Workforce restructuring under section 3161 of the National Defense Authorization Act for fiscal year 1993.](#)
 - [970.5226-3 Community commitment.](#)
 - [970.5226-4 Agreement regarding Workplace Substance Abuse Programs at DOE sites.](#)
 - [970.5226-5 Workplace Substance Abuse Programs at DOE Sites.](#)
 - [970.5227-1 Rights in data-facilities.](#)
 - [970.5227-2 Rights in data-technology transfer.](#)
 - [970.5227-3 Technology transfer mission.](#)
 - [970.5227-4 Authorization and consent.](#)
 - [970.5227-5 Notice and assistance regarding patent and copyright infringement.](#)
 - [970.5227-6 Patent indemnity—subcontracts.](#)

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