

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.
 - 970.0404-1 Definitions.
 - 970.0404-2 General.
 - 970.0404-3 Responsibilities of contracting officers.
 - 970.0404-4 Solicitation provision and contract clauses.
 - 970.0407 Contractor records retention.
 - 970.0407-1 Applicability.
 - 970.0407-1-1 Alternate retention schedules.
 - 970.0407-1-2 Access to and ownership of records.
 - 970.0407-1-3 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.
 - 970.1100-2 Additional considerations.
 - 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.
 - 970.1504-1 Price analysis.
 - 970.1504-1-1 Fees for management and operating contracts.
 - 970.1504-1-2 Fee policy.
 - 970.1504-1-3 Special considerations: Laboratory management and operation.
 - 970.1504-1-4 Types of contracts and fee arrangements.
 - 970.1504-1-5 General considerations and techniques for determining fixed fees.
 - 970.1504-1-6 Calculating fixed fee.
 - 970.1504-1-7 Fee base.
 - 970.1504-1-8 Special equipment purchases.
 - 970.1504-1-9 Special considerations: Cost-plus-award-fee.
 - 970.1504-1-10 Special considerations: Fee limitations.
 - 970.1504-1-11 Documentation.
 - 970.1504-2 Price negotiation.
 - 970.1504-3 Documentation.
 - 970.1504-3-1 Cost or pricing data.
 - 970.1504-4 Special cost or pricing areas.
 - 970.1504-4-1--970.1504-4-3 [Reserved]
 - 970.1504-5 Solicitation provision and contract clauses.
- 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.
- Subpart 970.19 - Small Business Programs
 - 970.1907 The Small Business Subcontracting Program.
 - 970.1907-4 Subcontracting plan requirements.
- Subpart 970.22 - Application of Labor Policies
 - 970.2200 Scope of subpart.
 - 970.2201 Basic labor policies.
 - 970.2201-1 Labor relations.
 - 970.2201-1-1 General.
 - 970.2201-1-2 Policies.
 - 970.2201-1-3 Contract clause.

- 970.2201-2 Overtime management.
- 970.2201-2-1 Policy.
- 970.2201-2-2 Contract clause.
- 970.2204 Labor standards for contracts involving construction.
- 970.2204-1 Statutory and regulatory requirements.
- 970.2204-1-1 Administrative controls and criteria for application of the Davis-Bacon Act in operational or maintenance activities.
- 970.2208 Equal employment opportunity.
- 970.2210 Service Contract Act.
- 970.2270 Unemployment compensation.
- Subpart 970.23 - Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety and Drug-Free Work Place
 - 970.2301 Sustainable acquisition.
 - 970.2301-1 Policy.
 - 970.2301-2 Contract clauses.
 - 970.2303 Hazardous materials identification and material safety.
 - 970.2303-2-70 General.
 - 970.2303-3 Contract clauses.
 - 970.2305 Workplace substance abuse programs - management and operating contracts.
 - 970.2305-1 General.
 - 970.2305-2 Applicability.
 - 970.2305-3 Definitions.
 - 970.2305-4 Solicitation provision and contract clause.
 - 970.2306 Suspension of payments, termination of contract, and debarment and suspension actions.
- 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
 - 970.2670 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 related clauses.

- 970.2702-1 Authorization and consent.
- 970.2702-2 Notice and assistance regarding patent and copyright infringement.
- 970.2702-3 Patent indemnity.
- 970.2702-4 Royalties.
- 970.2702-5 Rights to proposal data.
- 970.2702-6 Notice of right to request patent waiver.
- 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
 - 970.3101-00-70 Scope of subpart.
 - 970.3101-9 Advance agreements.
 - 970.3101-10 Indirect cost rate certification and penalties on unallowable costs.
 - 970.3102-3-70 Home office expenses.
 - 970.3102-05 Selected costs.
 - 970.3102-05-4 Bonding costs.
 - 970.3102-05-6 Compensation for personal services.
 - 970.3102-05-18 Independent research and development and bid and proposal costs.
 - 970.3102-05-19 Insurance and indemnification.
 - 970.3102-05-22 Lobbying and political activity costs.
 - 970.3102-05-28 Other business expenses.
 - 970.3102-05-30 Patent costs.
 - 970.3102-05-30-70 Patent costs and technology transfer costs.
 - 970.3102-05-33 Professional and consultant service costs.
 - 970.3102-05-46 Travel costs.
 - 970.3102-05-47 Costs related to legal and other proceedings.

- [970.3102-05-70 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.](#)
 - [970.3200-1-1 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](#)
 - [970.4207-03-02 Certificate of costs.](#)
 - [970.4207-03-70 Contract clause.](#)
 - [970.4207-05-01 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 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.](#)
 - [970.5204-1 Counterintelligence.](#)
 - [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](#)
 - [970.5215-4 Cost reduction.](#)
 - [970.5215-5 Limitation on fee.](#)
 - [970.5217-1 Strategic Partnership Projects Program.](#)
 - [970.5222-1 Collective Bargaining Agreements Management and Operating Contracts.](#)
 - [970.5222-2 Overtime management.](#)
 - [970.5223-1 Integration of environment, safety, and health into work planning and execution.](#)
 - [970.5223-3 Agreement regarding Workplace Substance Abuse Programs at DOE sites.](#)
 - [970.5223-4 Workplace Substance Abuse Programs at DOE Sites.](#)
 - [970.5223-6 Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management.](#)
 - [970.5223-7 Sustainable acquisition program.](#)
 - [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.](#)
 - [970.5227-1 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, advance class 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]