

Department of Energy

939.7002

PART 937—SERVICE CONTRACTING

Subpart 937.2—Advisory and Assistance Services

Sec.

937.204 Guidelines for determining availability of personnel.

Subpart 937.70—Protective Services Contracting

937.7040 Contract clauses.

AUTHORITY: 42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

Subpart 937.2—Advisory and Assistance Services

937.204 Guidelines for determining availability of personnel.

(a) The determination, that there is sufficient DOE personnel with the requisite training and capabilities for each evaluation or analysis of proposals, shall be determined in accordance with 915.207–70(f)(2)(i).

(b) If it is determined that there is no such DOE personnel available, then other Federal agencies may have the required personnel with the requisite training and capabilities for the evaluation or the analysis of proposals. The determination, to use employees of other Federal agencies for the evaluation or analysis of proposals, shall be in accordance with 915.207–70(f)(2)(ii).

(d) The determination, to employ non-Federal evaluators or advisors, shall be determined in accordance with 915.207–70(f)(3).

(e) The determination that covered personnel are unavailable for a class of proposals, necessitating employment of non-Federal evaluators or advisors, shall be determined in accordance with 915.207–70(f)(3).

[75 FR 29458, May 26, 2010]

Subpart 937.70—Protective Services Contracting

937.7040 Contract clauses.

The contracting officer shall insert the clause at 952.237–70 entitled “Collective bargaining agreements—protective services” in all protective services solicitations and contracts involving DOE-owned facilities requiring con-

tinuity of services for public safety and national defense reasons. See also, 922.103–5, Contract clauses, which prescribes use of the clause at 48 CFR 52.222–1, Notice to the Government of Labor Disputes.

[58 FR 36151, July 6, 1993, as amended at 75 FR 29459, May 26, 2010]

PART 939—ACQUISITION OF INFORMATION TECHNOLOGY

Subpart 939.70—Implementing DOE Policies and Procedures

Sec.

939.7000 Scope.

939.7001 [Reserved]

939.7002 Contractor acquisition of information technology.

AUTHORITY: 42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

SOURCE: 62 FR 53758, Oct. 16, 1997, unless otherwise noted.

Subpart 939.70—Implementing DOE Policies and Procedures

939.7000 Scope.

This part sets forth the policies and procedures that apply to the acquisition of information technology by the Department of Energy (DOE).

939.7001 [Reserved]

939.7002 Contractor acquisition of information technology.

(a) *Management and operating (M&O) contracts.* Except as provided in paragraph (c) of this section, M&O contractors and their subcontractors shall not be used to acquire information technology unrelated to the mission of the M&O contract either for sole use by DOE employees or employees of other DOE contractors, or for use by other Federal agencies or their contractors.

(b) *Other than M&O contracts.* Where it has been determined that a contractor (other than an M&O contractor or its subcontractor) will acquire information technology either for sole use by DOE employees or for the furnishing of the information technology as government-furnished property under another contract, and after receiving written authorization from their cognizant DOE contracting office pursuant

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to 48 CFR part 51, DOE contractors working under cost-reimbursement-type contracts may place orders against authorized contracts. All authorizations to contractors shall expressly and specifically reference the restriction regarding contractor use of the items acquired, cited at 951.102(e)(4)(iii).

(c) *Consolidated contractor acquisitions.* When common information technology requirements in support of DOE programs have been identified and it is anticipated that the consolidation of such requirements will promote cost or other efficiencies, the Designated Senior Official for Information Management may authorize an M&O contractor to acquire information technology for use by the following—

- (1) One or more other contractor(s) performing on-site at the same DOE-owned or -leased facility as the M&O contractor; or
- (2) Other M&O contractors.

[62 FR 53758, Oct. 16, 1997, as amended at 74 FR 36367, July 22, 2009]

PART 941—ACQUISITION OF UTILITY SERVICES

Subpart 941.2—Acquiring Utility Services

Sec.
941.201-70 DOE Directives.

941.201-71 Use of subcontracts.

AUTHORITY: 42 U.S.C. 7101 et seq. and 50 U.S.C. 2401 et seq.

SOURCE: 61 FR 41710, Aug. 9, 1996, unless otherwise noted.

Subpart 941.2—Acquiring Utility Services

941.201-70 DOE Directives.

Utility services (defined at 48 CFR 41.101) shall be acquired in accordance with 48 CFR part 41 and the Department of Energy (DOE) Order 430.2B, Departmental Energy, Renewable Energy and Transportation Management, or its successor.

[75 FR 29458, May 26, 2010]

941.201-71 Use of subcontracts.

Utility services for the furnishing of electricity, gas (natural or manufactured), steam, water and/or sewerage at facilities owned or leased by DOE shall not be acquired under a subcontract arrangement, except as provided for at 970.4102-1 or if the prime contract is with a utility company.

[61 FR 41710, Aug. 9, 1996, as amended at 65 FR 81007, Dec. 22, 2000; 74 FR 36367, July 22, 2009]