

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

PART 3035—RESEARCH AND DEVELOPMENT CONTRACTING

Subpart 3035.000—Scope of Part

Sec.

3035.003 Policy.

3035.008 Evaluation for award.

3035.017 Federally Funded Research and Development Centers.

Subpart 3035.70—Information Dissemination by Educational Institutions

3035.70-1 Policy.

3035.70-1 Contract clause.

AUTHORITY: 5 U.S.C. 301-302, 41 U.S.C. 1303, 41 U.S.C. 1707, 41 U.S.C. 1702, and 48 CFR subpart 1.3.

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise noted.

Subpart 3035.000—Scope of Part

3035.003 Policy.

(b) Cost sharing shall be determined on a case-by-case basis. Components may establish procedures for cost sharing.

(c) Recoupment shall be determined on a case-by-case basis. Recoupment not otherwise required by law should be structured to address factors such as recovering the Department's fair share of its investment in nonrecurring costs related to the items acquired. Advice of legal counsel shall be obtained prior to establishing cost sharing policies and recoupment mechanisms under (FAR) 48 CFR 35.003(b) and (c).

[68 FR 67871, Dec. 4, 2003, as amended at 71 FR 48802, Aug. 22, 2006]

3035.008 Evaluation for award.

See (HSAR) 48 CFR 3009.570 for limitations on the award of contracts to contractors acting as lead system integrators.

[75 FR 41100, July 15, 2010]

3035.017 Federally Funded Research and Development Centers.

(a) In accordance with section 309(b) of the Homeland Security Act, 6 U.S.C. 189(b), DHS may be a joint sponsor

under a multiple agency sponsorship arrangement with the Department of Energy (DOE) of one or more DOE national laboratories or sites. DOE shall be the primary sponsor under any multiple agency sponsorship arrangement with DOE laboratories or sites. Work performed by a DOE national laboratory or site under a joint sponsorship arrangement with DHS Components shall comply with policy on the use of Federally Funded Research and Development Centers (FFRDCs) in (FAR) 48 CFR 35.017.

[71 FR 25771, May 2, 2006, as amended at 71 FR 48802, Aug. 22, 2006]

Subpart 3035.70—Information Dissemination by Educational Institutions

3035.70-1 Policy.

The Department of Homeland Security (DHS) desires widespread dissemination of the results of funded non-sensitive research. The Contractor, therefore, may publish (subject to the provisions of the "Data Rights" and "Patent Rights" clauses of the contract) research results in professional journals, books, trade publications, or other appropriate media.

[77 FR 50635, Aug. 22, 2012]

3035.70-2 Contract clause.

(a) The contracting officer shall use the clause at (HSAR) 48 CFR 3052.235-70, Dissemination of Information—Educational Institutions, in contracts with educational institutions for research that is not sensitive or classified.

(b) If the contract involves sensitive or classified research, the contracting officer shall prepare and insert a Special Contract Requirement that conditions dissemination upon the approval of a designated Government official.

[77 FR 50635, Aug. 22, 2012]

Pt. 3036

**PART 3036—CONSTRUCTION AND
ARCHITECT-ENGINEER CONTRACTS**

Subpart 3036.1—General

Sec.

3036.104 Policy.

3036.104-90 Authority for one-step turn-key design-build contracting for the United States Coast Guard (USCG).

**Subpart 3036.2—Special Aspects of
Contracting for Construction [Reserved]**

Subpart 3036.5—Contract Clauses

3036.570 Special precautions for work at operating airports.

AUTHORITY: 5 U.S.C. 301-302, 41 U.S.C. 1303, 41 U.S.C. 1707, 41 U.S.C. 1702, and 48 CFR subpart 1.3.

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise noted.

Subpart 3036.1—General

3036.104 Policy.

3036.104-90 Authority for one-step turn-key design-build contracting for the United States Coast Guard (USCG).

The Head of the Contracting Activity (HCA) of the U.S. Coast Guard may use one-step turn-key selection procedures to enter into fixed-price design-build contracts in accordance with 14 U.S.C. 677.

[73 FR 24883, May 6, 2008]

**Subpart 3036.2—Special Aspects
of Contracting for Construc-
tion [Reserved]**

Subpart 3036.5—Contract Clauses

3036.570 Special precautions for work at operating airports.

Where any acquisition will require work at an operating airport, insert the clause at (HSAR) 48 CFR 3052.236-70, Special Precautions for Work at Operating Airports, in solicitations and contracts.

48 CFR Ch. 30 (10-1-24 Edition)

**PART 3037—SERVICE
CONTRACTING**

**Subpart 3037.1—Service Contracts—
General**

Sec.

3037.103 [Reserved]

3037.104 Personal services contracts.

3037.104-70 Personal services contracts.

3037.104-90 Personal services contracts (USCG).

3037.104-91 Personal services with individuals under the authority of 10 U.S.C. 1091 (USCG).

AUTHORITY: 5 U.S.C. 301-302, 41 U.S.C. 1303, 41 U.S.C. 1707, 41 U.S.C. 1702, and 48 CFR subpart 1.3.

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise noted.

**Subpart 3037.1—Service
Contracts—General**

3037.103 [Reserved]

3037.104 Personal services contracts.

3037.104-70 Personal service contracts.

(b) Authorization to acquire the personal services of experts and consultants is included in section 832 of the Homeland Security Act, 6 U.S.C. 392. This section includes authority to use personal service contracts, including authority to contract without regard to the pay limitation of 5 U.S.C. 3109 when the services are necessary due to an urgent homeland security need.

[71 FR 25771, May 2, 2006]

3037.104-90 Personal services contracts (USCG).

The U.S. Coast Guard HCA may enter into medical personal services contracts in accordance with 10 U.S.C. 1091.

[71 FR 25771, May 2, 2006]

3037.104-91 Personal services contracts with individuals under the authority of 10 U.S.C. 1091 (USCG).

(a) Health care personal services contracts awarded to individuals shall be selected through procedures established in this section. Selections made using the procedures in this section are exempt by statute from (HSAR) 48 CFR