

Subpart 936.7 [Reserved]

Subpart 937.2—Advisory and Assistance Services

Subpart 936.71—Inspection and Acceptance

937.204 Guidelines for determining availability of personnel.

936.7100 Scope of subpart.

This subpart implements and supplements 48 CFR part 36 by prescribing the policies and requirements for inspection and acceptance under construction contracts.

(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).

[49 FR 12016, Mar. 28, 1984, as amended at 75 FR 29459, May 26, 2010]

(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).

936.7101 Construction contracts.

(a) Inspection services may be performed by the architect-engineer responsible for the design. Inspection services may not be procured from a construction contractor with respect to its own work.

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

(b) When one contractor is to inspect the work of another, the inspection contractor will be given written instructions defining its responsibilities and stating that it is not authorized to modify the terms and conditions of the contract, to direct additional work, to waive any requirements of the contract, or to settle any claim or dispute. Copies of the instructions will be given to the contractor who is to be inspected, with a request to acknowledge receipt on a copy to be returned to the contracting officer. In this manner, both contractors are on express notice of the authority and limitations of the authority of the inspecting contractor.

(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

PART 937—SERVICE CONTRACTING

937.7040 Contract clauses.

Subpart 937.2—Advisory and Assistance Services

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 continuity 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.

Sec.

937.204 Guidelines for determining availability of personnel.

Subpart 937.70—Protective Services Contracting

937.7040 Contract clauses.

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

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