

**SUBJECT: LIMITED CHANGE TO DOE O 484.1, REIMBURSABLE WORK FOR THE
DEPARTMENT OF HOMELAND SECURITY**

EXPLANATION OF CHANGES.

On June 6, 2008, the Office of Federal Procurement Policy (OFPP) issued guidance entitled, “Improving the Management and Use of Interagency Acquisitions (IAs).” The guidance established two categories of IA, Assisted Acquisitions (AA) and Direct Acquisitions (DA), as well as the requirements and procedures for their use.

Portions of the guidance were inconsistent with DOE’s reimbursable work for other Federal agencies policy, causing implementation of the guidance to be challenging. This was in large part due to DOE’s unique contractual relationship with its facility Management and Operating (M&O) contractors and how it differs from more traditional contracting arrangements to which OFPP guidance is primarily directed.

Since DOE’s reimbursable work is primarily conducted through Strategic Partnership Projects (SPP) and Reimbursable Work for the Department of Homeland Security (DHS), DOE and NNSA Senior Procurement Executives formally requested SPP and DHS work be exempted, or clarification be provided regarding the application of OFPP guidance by the FFRDC sponsoring organizations. While neither was issued, OFPP provided a statement confirming DOE’s SPP and DHS practices ensure compliance with applicable portions of the OFPP guidance.

LOCATIONS OF CHANGES:

Page	Paragraph	Changed	To
-	Throughout	Facility	Site/facility
5	4.o.	For DHS agreements, defined by DHS as an Assisted Acquisition, the following statement shall be included in the interagency agreement: The DHS, as the sponsoring entity, has determined that this transaction is an Assisted Acquisition as described in FAR Subpart 17.5. The DOE, as the performing entity, will ensure compliance with FAR 17.5 (including applicable Assisted Acquisition requirements) by applying the policies, procedures, and requirements as reflected in	For DHS agreements defined by DHS as an Assisted Acquisition, the DHS must provide on or with the interagency agreement (e.g., General Terms & Conditions or Funding Order) the following statement: The DHS, as the requesting agency, has determined that this transaction is an Assisted Acquisition as described in FAR Subpart 17.5. DHS, as the requesting agency, and DOE, as the servicing agency, will ensure compliance with FAR 17.5 and applicable Assisted Acquisition

Page	Paragraph	Changed	To
		DOE Order 484.1, Reimbursable Work for the Department of Homeland Security. DHS work will be performed under the terms and conditions of the DOE facility contract on a fully reimbursable basis, consistent with 6 U.S.C § 189. DOE contractors must comply with applicable requirements in their facility contracts when performing such work. DOE will perform work under its facility management and will not conduct market research, develop acquisition plans, award a new contract on behalf of DHS, or negotiate costs for performing work under individual DHS projects. The DOE Responsible Contracting Officer may, at the request of the DHS, negotiate additional terms and conditions only when such requests are not in conflict with the DOE facility contract and any additional resulting costs must be fully recovered from DHS. By signing the interagency agreement both parties assert the agreement is compliant with FAR 17.5 requirements.	provisions by applying their respective policies and procedures with other federal agencies, including DOE Order 484.1, Reimbursable Work for the Department of Homeland Security. DHS work will be conducted under the terms and conditions of the DOE site/facility contract on a reimbursable basis, consistent with 6 U.S.C § 189. DOE contractors must comply with applicable requirements in their site/facility contracts when performing such work. The DOE will perform work by and through its' site/facility management contractor. Prior to executing a site/facility management contract, DOE complies with all the acquisition requirements for such contracts, (e.g., market research, acquisition plans) and will not reexamine those matters for individual interagency agreements.. The DOE Responsible Contracting Officer may, at the request of the DHS, negotiate additional terms and conditions only when (1) such requests are not in conflict with the DOE site/facility contract and (2) all costs are recovered from DHS. By signing the interagency agreement, both parties certify compliance with their respective duties and obligations under FAR 17.5.