

## **FREQUENTLY ASKED QUESTIONS ABOUT WORK FOR OTHERS (WFO) FROM OTHER FEDERAL AGENCIES**

Current as of October 1, 2007

### **What is WFO?**

The Department of Energy (DOE) sponsors a full-cost reimbursable research and technical assistance program, called the Work For Others (WFO) program. This DOE program provides assistance to other federal agencies (OFA) as part of the services rendered to-and-for U.S. government activities under various laws and regulations, principally, the Economy Act and the Atomic Energy Act of 1954.

### **What does this mean in plain English?**

Department of Energy can furnish cost reimbursable scientific services in:

- Basic Research
- Applied Research
- Applied Development
- Technical Analyses or Specialized Scientific Studies
- Data Sampling/confirmation
- Prototype Development
- Objective Consultation
- Essential Engineering Design and Development
- Model Fabrication
- Manufacturing of Specialized Materials or Components
- Engineering and Technical Services

The decision criteria on what work can be done is determined by DOE if it is within the special scientific and technical capabilities of the DOE performance-based contractor

### **Does DOE do the WFO Work?**

In the vast majority of reimbursable work requirements, DOE furnishes administrative oversight but does not do the detailed scientific or technical work. A DOE performance-based management and operating contractor does the scientific or technical work. These performance-based contractors, in most cases, are a special type of contractor entity created to do DOE work only.

## **What is a DOE Management and Operating Contractor?**

Under the Subpart 17.6 of the Federal Acquisition Regulation dealing with Management and Operating (M&O) Contractors, DOE uses M&O contractors to perform the work. DOE competitively awards M&O performance-based contracts to manage and operate DOE facilities.

These M&O contractors are financially integrated with DOE and operate under strict DOE controls and guidelines. The DOE M&O contractors, including UT-Battelle, LLC, at Oak Ridge, Tennessee, are distinct "arms-length" subsidiaries of their parent corporations and are established exclusively to perform work assigned by DOE, including work which DOE accepts from other federal agencies or non federal entities (e.g., private companies).

A DOE M&O contractor performs a completely different role as a financially-integrated contractor of DOE versus a contractor who fulfills a Government-Owned-Contractor-Operated (GOCO) function within other federal agencies. This distinction is vital to understanding the role that DOE plays in technology research and applied development for the U.S. government.

DOE establishes the programmatic controls, oversight functions, customary reporting information, and general categories and procedures for the overhead cost structure for the M&O contractors. DOE approves all overhead rate categories.

## **What Does DOE Charge to Do this Research or Technical Work?**

Consistent with U.S. government guidelines, DOE operates on a full cost recovery basis. Costs are based on identical charges levied to DOE programs, except for:

- Federal agencies that do not have a DOE waiver in place must pay a surcharge of 3% based on Section 3137 of the Strom Thurmond National Defense Authorization Act of 1999 (Public Law 105-261).
- Small businesses, non-profit organizations, and U.S. institutes of higher learning are statutorily exempt from the 3% surcharge.
- State and local governments are statutorily exempt from the 3% surcharge.
- Private sector commercial companies (excluding small businesses and non-profit organizations) and foreign entities are subject to the 3% surcharge.
- Work performed for a DOE (Cost-type) contractor is exempt from the 3% surcharge.

The 3% surcharge is levied to cover DOE administrative and oversight costs.

## **When are my funds obligated by DOE?**

Consistent with U.S. fiscal law requirements in Title 31 United States Code, various U.S. Comptroller General Rulings, and the U.S. Treasury Manual, DOE obligates a requesting agency's funds when it counter-signs the reimbursable work order.

An Economy Act order placed by the requesting agency fully obligates an appropriation of the requesting agency.

Military funding documents (e.g., Project orders and MIPR) are obligated upon written acceptance by DOE (the servicing agency).

Reimbursable orders are obligated when accepted in writing if acceptance indicates order will be financed on a reimbursable basis.

Amount obligated by the requesting agency is deobligated if DOE (as the servicing agency) has not incurred an obligation before the end of the period of availability for the funds.

Upon accepting the reimbursable work order, DOE immediately obligates the funds to the performance-based contract of the particular DOE management and operating contractor assigned the research or technical assistance task.

As determined by the U.S. Comptroller General, the obligational treatment of Economy Act transactions is addressed in 31 U.S.C. § 1535(d). Section 1535(d) establishes that an Economy Act agreement is sufficient to obligate the ordering agency's appropriations. Under section 1501(a) (1), an obligation is recordable when supported by documentary evidence of:

“(1) a binding agreement between an agency and another person (including an agency) that is—

“(A) in writing, in a way and form, and for a purpose authorized by law; and

“(B) executed before the end of the period of availability for obligation of the appropriation or fund used for specific goods to be delivered, real property to be bought or leased, or work or service to be provided.” Thus, an Economy Act agreement is recordable as an obligation under 31 U.S.C. § 1501(a) (1) if it meets the requirements specified in that section. See 34 Comp. Gen. 418, 421 (1955); 39 Comp. Gen. 317, 318-19 (1959).

## **What is the Lab Directed Research and Development Program (LDRD) Charge to my Project?**

Based on Congressional direction in 42 USC § 7257a., DOE established a laboratory directed research and development (LDRD) program. The term "laboratory directed research and development" means research and development (R&D) work of a creative and innovative nature which, under the regulations prescribed by the Secretary of Energy, is selected by the director of a laboratory for the purpose of maintaining the vitality of the laboratory in defense-related scientific disciplines.

The LDRD charge is applied equally to all funds received by DOE, whether directly appropriated by Congress to DOE or by reimbursable appropriations received from another federal agency. *The LDRD charge is a normal overhead cost applied equally to all DOE-approved projects. It is not a new cost.*

The objectives of the LDRD program are to:

- Maintain scientific and technical vitality of the laboratories
- Enhance the laboratories' ability to address future U.S. government missions
- Foster creativity and stimulate exploration of forefront science and technology
- Serve as a proving ground for new research; and
- Support high-risk, potentially high-value R&D.

Congress directed DOE in the FY 2002 Energy and Water Development Appropriations Conference Report (107-258) to notify each federal sponsor of the amount of reimbursable funds being applied to LDRD. The Secretary of Energy issues implementation guidance throughout the DOE research complex to use this standard notification language:

*"Consistent with the DOE's full cost recovery policy, DOE collects, as part of its standard indirect cost rate, a LDRD cost levied on all monies received at the laboratory. The estimated amount of LDRD costs is identified in the proposal cost estimate section. The Department of Energy believes that LDRD efforts provide opportunities in research that are instrumental in maintaining cutting edge science capabilities that benefit all customers of the laboratory. The Department will conclude that by approving and providing funds to DOE to perform work under this proposal, you acknowledge that such activities are beneficial to your organization and consistent with appropriation acts that provide funds to you."*

The LDRD notice will be placed in all DOE letters to other federal agencies requesting reimbursable research and technical assistance. All DOE research proposals will identify the LDRD estimated charges in the budget section. Furthermore, all reimbursable funds obligated by DOE from another federal agency will show a breakout of the expected LDRD charges applied to the project.

DOE Headquarters did a review of all federal appropriation acts passed by the U.S. Congress. The results of the DOE Headquarters review indicate that Congress has not prohibited the LDRD from being levied as a normal indirect rate charge to any appropriation of any federal agency.

**Can DOE Oak Ridge Office (DOE-ORO) do Classified Work?**

Absolutely. The DOE-ORO Federal Office Building also has the capability to handle information up to Top Secret and Restricted Data.

The Oak Ridge National Laboratory (ORNL) is dual certified by both the DOE and the Department of Defense to handle information at Top Secret and Restricted Data levels. ORNL operates the DOE-ORO Sensitive Compartmented Information Facility (SCIF). The SCIF meets the requirements of Director of Central Intelligence Directive 1/21, Manual for Physical Security Standards for SCIF, effective 30 January 1994.

**Do you have a Commercial and Government Entity (CAGE) Code?**

Yes. The CAGE code for the Oak Ridge National Laboratory (run by UT-Battelle, LLC.) is 1PW69.

CAGE codes were known in the past as federal supply codes for manufacturers (FSCM) and federal supply codes for nonmanufacturers (FSCNM). CAGE code numbers are assigned or maintained by the Defense Logistics Information Service (DLIS) to identify commercial and government activities. Their use is prescribed by 48 Code of Federal Regulations at sections 213.505-70(b)(2), 253.204-70(b)(5)(ii)(b), and by the Department of Defense Manual 4000.25-M, Military Standard Contract Administration Procedures (MILSCAP).

**Are you registered in the DOD Central Contractor Registration (CCR) Database?**

Yes. UT-Battelle, LLC is registered in the CCR database.

**What is Oak Ridge National Laboratory (ORNL)?**

ORNL is the largest multi-program DOE national laboratory and a Federally Funded Research and Development Center (FFRDC) established in accordance with the Federal Acquisition Regulation Subpart 35. The Laboratory performs work for all DOE programs including Science, Energy Efficiency and Renewable Energy, Nuclear Energy Science and Technology,

Nonproliferation and National Security, Fossil Energy, Environmental Management, and Defense Programs.

The Laboratory mission is to conduct basic and applied research and development (R&D) to advance scientific knowledge, the nation's energy resources, and environmental quality and to strengthen educational foundations and national economic competitiveness. DOE programs are carried out in partnership with academia, the private sector, other DOE national laboratories, the international scientific community, and other government agencies. The Laboratory also performs work consistent with the DOE mission for entities other than DOE when authorized by DOE. The DOE Contractor will advance the frontiers of science and technology through broad interdisciplinary research and development programs that answer fundamental questions, solve technical problems (locally, regionally, nationally, and internationally), and develop and apply technologies to address societal needs.

### **What is a National Laboratory?**

The United States Government has established a national laboratory system with the national laboratories under the control of agencies such as the Department of Defense, DOE, Nuclear Regulatory Commission, and the National Aeronautics and Space Administration. DOE manages a major part of the nation's federally funded civilian science, technology development, and engineering resources through 9 major multi-program laboratories, 10 single-purpose laboratories, 11 smaller special-mission laboratories, and a wide range of special technology centers critical to U.S. industry's global competitiveness.

For DOE under 42 USC 15801 (Energy Policy Act of 2005), Section 2, Definitions

*(3) NATIONAL LABORATORY.—The term “National Laboratory” means any of the following laboratories owned by the Department:*

- (A) Ames Laboratory.*
- (B) Argonne National Laboratory.*
- (C) Brookhaven National Laboratory.*
- (D) Fermi National Accelerator Laboratory.*
- (E) Idaho National Laboratory.*
- (F) Lawrence Berkeley National Laboratory.*
- (G) Lawrence Livermore National Laboratory.*
- (H) Los Alamos National Laboratory.*
- (I) National Energy Technology Laboratory.*
- (J) National Renewable Energy Laboratory.*
- (K) Oak Ridge National Laboratory.***
- (L) Pacific Northwest National Laboratory.*
- (M) Princeton Plasma Physics Laboratory.*
- (N) Sandia National Laboratories.*

- (O) Savannah River National Laboratory.
- (P) Stanford Linear Accelerator Center.
- (Q) Thomas Jefferson National Accelerator Facility.

(4) *SECRETARY*.—The term “Secretary” means the Secretary of Energy.

### **What is a Federal laboratory?**

Under federal statute, "the terms 'Federal laboratory' and 'laboratory' have the meaning given the term 'laboratory' in section 12 (d) (2) of the Stevenson-Wydler Technology Innovation Act of 1980 [15 U.S.C. 3710a(d)(2)], except that such terms include a federally funded research and development center (FFRDC) sponsored by a Federal agency" (Source: 10 USC 2491(5)).

As extracted from 15 USC 3710a (d) (2), the term "laboratory" means -

1. a facility or group of facilities owned, leased, or otherwise used by a federal agency, a substantial purpose of which is the performance of research, development, or engineering by employees of the Federal government;
2. a group of Government-owned, contractor-operated facilities (including a weapon production facility of the Department of Energy) under a common contract, when a substantial purpose of the contract is the performance of research and development, or the production, maintenance, testing, or dismantlement of a nuclear weapon or its components, for the Federal Government; and
3. a Government-owned, contractor-operated facility (including a weapon production facility of the Department of Energy) that is not under a common contract described in paragraph 2, and the primary purpose of which is the performance of research and development, or the production, maintenance, testing, or dismantlement of a nuclear weapon or its components, for the Federal Government, but such term does not include any facility covered by Executive Order No. 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program.

The term "*weapon production facility of the Department of Energy*" means a facility under the control or jurisdiction of the Secretary of Energy that is operated for national security purposes and is engaged in the production, maintenance, testing, or dismantlement of a nuclear weapon or its components.

The National Competitiveness Technology Transfer Act of 1989 (NCTTA) (Pub. L. 101-189) established technology transfer as a mission for Government-owned, contractor-operated laboratories, including weapons production facilities. Within the Oak Ridge Reservation, the

Oak Ridge National Laboratory (ORNL) qualifies as a FFRDC and is listed as such under the national list maintained by the National Science Foundation.

### **What is a Federally Funded Research and Development Center (FFRDC)?**

FFRDCs were first established during World War II to meet specialized or unique research and development needs that could not be readily satisfied by government personnel, due to limits on federal salaries and hiring, or by normal commercial contractors. Additional and expanded requirements for specialized services led to increases in the size and number of FFRDCs to a peak of 74 FFRDCs in 1969. Currently, nine federal agencies fund 36 FFRDCs that are operated by universities, nonprofit organizations, or industrial firms under long-term contracts.

From the Federal Acquisition Regulation Subpart 35.017:

An FFRDC meets some special long-term research or development need which cannot be met as effectively by existing in-house or contractor resources. FFRDCs enable agencies to use private sector resources to accomplish tasks that are integral to the mission and operation of the sponsoring agency. An FFRDC, in order to discharge its responsibilities to the sponsoring agency, has access, beyond that which is common to the normal contractual relationship, to Government and supplier data, including sensitive and proprietary data, and to employees and facilities. The FFRDC is required to conduct its business in a manner befitting its special relationship with the Government, to operate in the public interest with objectivity and independence, to be free from organizational conflicts of interest, and to have full disclosure of its affairs to the sponsoring agency. It is not the Government's intent that an FFRDC use its privileged information or access to facilities to compete with the private sector. However, an FFRDC may perform work for other than the sponsoring agency under the Economy Act, or other applicable legislation, when the work is not otherwise available from the private sector.

Long-term relationships between the Government and FFRDCs are encouraged in order to provide the continuity that will attract high-quality personnel to the FFRDC. This relationship should be of a type to encourage the FFRDC to maintain currency in its field(s) of expertise, maintain its objectivity and independence, preserve its familiarity with the needs of its sponsor(s), and provide a quick response capability.



**If I use DOE resources to meet a DOD mission requirement, is this considered "Contract Offloading?"**

No. Part of the answer is an exercise in semantics. Within DOD, when a requesting official goes to another agency for assistance, this is considered "Contract Offloading." However, DOE accepts taskings from DOD agencies to meet a research or technological requirement that is generally pre-competitive research and development or post-competitive technical assistance in nature. The requesting DOD agency must fulfill its own internal administrative review and approval processes before the tasking is forwarded to DOE for acceptance. This tasking is considered an interagency agreement between DOD and DOE, not a contract. With the exception of the special statutory relationship between DOE and the U.S. Navy Nuclear Propulsion Program, DOE does not do, and will not normally accept routine contract acquisition actions for other federal agencies. That is, DOE does not perform any "Contract Offloading" for any other federal agency but performs work that is consistent with its overall mission and is relevant to the DOE unique capabilities or special competencies.

**If DOE assigns this DOD work to a DOE Contractor, why is this not considered a "pass-through procurement?"**

This reimbursable work accepted by DOE is not a "pass-through procurement." DOE is covered by Title III of the Federal Property and Administrative Services Act and is required to follow the Federal Acquisition Regulation (FAR) in its contracting operations. DOE facilities and resources are, for the most part, managed and operated under a special provision, FAR Subpart 17.6. Management and Operating Contracts. This method of contracting is limited to the DOE and any other agency having requisite statutory authority and DoD is not one of these. These management and operating (M&O) contracts are distinctly different from Government Owned - Contractor Operated (GOCO) contracts, and provide a much closer relationship between the contractor and a government agency. DOE competitively awards M&O contracts to manage and operate DOE facilities. These M&O contractors are financially integrated with DOE and operate under strict DOE controls and guidelines. DOE M&O contractors are distinct "arms-length" subsidiaries of their parent corporations and are established exclusively to perform work assigned by DOE, including work which DOE accepts from DOD and other federal agencies.

Thus, in terms of accomplishing its research and technical assistance missions, DOE considers UT-Battelle, LLC, to be an organic resource of DOE and does not consider work assigned by DOE to be "contract offloading" or a "pass-through" procurement.

**Will DOE certify that the proposed ORNL work for the Department of Defense (DOD) comes under an existing competed contract?**

Certainly.

The Office of the Secretary of Defense Memorandum, dated October 23, 2005, subject: Proper Use of Non-DOD Contract, implements certain procedures within the DOD dealing with Section 854 (Defense Procurements Made Through Contracts of Other Agencies) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375). Reimbursable interagency acquisitions sent by DOD elements to DOE fall under the purview of this DOD policy.

DOE Oak Ridge Office (ORO) will furnish a DOE authorization letter and specific administrative instructions to any DOD element requesting a research or technical proposal. Any ORNL statement of work officially sent to a DOD sponsor was reviewed and approved via the normal ORO Work for Others procedures that cover the restrictions in DOE Order 481.1C.

Additionally, a DOE Contracting Officer certifies that the work proposed for ORNL is consistent with or complementary to the missions of the laboratory and will not adversely impact execution of the DOE assigned programs at the laboratory. Any funded work will be assigned to the ORNL management and operating contractor, UT-Battelle, LLC, for performance under DOE Prime Contract No. DE-AC05-00OR22725. A separate DOE contracting officer letter can also be furnished if requested by a DOD contracting officer.

**Can someone explain the management of the DOE government facilities located in Oak Ridge and the role of the Contractors?**

The DOE Oak Ridge Reservation (ORR) complex contains DOE technology centers and research facilities. These elements are divided into several categories. The DOE Oak Ridge Office (DOE-ORO) has authority and responsibility over the Oak Ridge National Laboratory (ORNL) and the East Tennessee Technology Park within Oak Ridge and various other facilities outside the state. The Y-12 National Security Complex comes under the jurisdiction of the DOE National Nuclear Security Administration.

Within Oak Ridge, DOE-ORO has UT-Battelle, LLC, as a Managing and Operating (M&O) contractor as defined in FAR 17.6. UT-Battelle is charged with running the Oak Ridge National Laboratory (ORNL). ORNL is a Federal Laboratory as defined in 15 USC 3710a(d)(2) and is also a federally funded research and development center (FFRDC) as specified in FAR 35.017. UT-Battelle, LLC, is a performance-based contractor to DOE and operates as a stand-alone non-profit corporation that does not engage in any normal commercial business.

BWXT Y-12, L.L.C., which is also a DOE M&O contractor, operates the Y-12 National Security Complex (NSC). The Y-12 NSC is a Federal Laboratory as defined in 15 USC 3710a(d)(2) but it is not an FFRDC. BWXT Y-12, L.L.C. is a for-profit contractor and is a captive contractor to DOE. It does not engage in any normal commercial business.

The sole purpose of these contractors is to perform as M&O contractors for DOE. The DOE includes clauses in its M&O contracts that allow DOE to assign to the M&O contractor work from outside agencies. These contracts have such clauses. DOE also assures in its M&O contracts that the M&O contractors meet all of the provisions of the FAR, particularly with regards to organizational conflicts of interest (OCI).

The facilities that the M&O contractors manage and operate under their contracts are DOE facilities with some private facilities being leased under DOE authorization. All of the buildings, land, equipment, supplies, etc., are DOE owned (or leased) and controlled with the exception that some non-DOE equipment may be in those facilities on a limited basis but under DOE approval and control. As the facilities involved are DOE's, this arrangement mandates a closer relationship between DOE and the supporting M&O contractors.

Thus, in terms of accomplishing its research and technical assistance missions, DOE considers the UT-Battelle, LLC, and BWXT Y-12, L.L.C., contractors to be organic resources of DOE and does not consider work assigned by DOE to be "contract offloading" or a "pass-through" procurement.

### **Does DOE require a Memorandum of Understanding or Agreement between Agencies before Doing Work?**

No. In the spirit of U.S. Government business streamlining practices, **DOE does not require a formal, high level agreement to conduct work between DOE and another federal agency.** If the Requesting Federal Agency feels a formal Memorandum of Understanding (MOU) between the Requesting Federal Agency and DOE Oak Ridge Office (DOE-ORO) is needed, that can be executed. However, DOE-ORO does have a preferred model of an MOU that they would sign very quickly. This MOU model can be furnished to any federal requestor.

### **How do I send funds to DOE?**

Funding documents from **federal agencies** for Oak Ridge National Laboratory (ORNL) research and technical assistance need to be sent to DOE to:

Ms. Teresa R. Hope  
Work For Others Coordinator  
Department of Energy, Oak Ridge Office  
P.O. Box 2001, M-6  
Oak Ridge, TN 37831-M6

Phone: (865) 576-0646  
Fax: (865) 576-2554  
Email: [hopetr@oro.doe.gov](mailto:hopetr@oro.doe.gov)

As part of the federal agency funding document, there needs to be the following

- a certified fund cite (i.e., signed by an authorized official)
- a technical point of contact
- where the bill needs to be sent to
- an appropriation obligation expiration date
- a statement of work

The federal agency must include its agency location code (ALC) on all funding authorizations forwarded to DOE.

DOE furnishes detailed administrative instructions for interagency acquisitions as one component of the DOE proposal package sent to the federal sponsor. The DOE package consists of a DOE transmittal letter, the DOE-approved SOW, and the Administrative Instructions. Normally this package answers most of the sponsor's questions or concerns. Additionally, this statement or equivalent needs to come from the federal sponsor. It can be on a cover letter or as part of the funding document itself.

**Sample Statement from a Federal Agency  
(Not Department of Homeland Security)**

*This agreement is entered into pursuant to the authority of the Economy Act of 1932, as amended (31 U.S.C. 1535) [or other statutory authority references], and adheres to Federal Acquisition Regulation (FAR) 6.002. To the best of our knowledge, the work requested will not place the DOE and its contractor in direct competition with the domestic private sector. The (enter name of requesting federal agency) recognizes that this work will be performed in accordance with the Work for Others Administrative Instructions attached to DOE Proposal Number # (cite proposal number).*

For the "[or other statutory references]", the Requesting Federal Agency may enter one of their statutory citations to do the work instead of 31 USC 1535. If, for example, the Requesting Federal Agency was the Defense Advanced Research Projects Agency (DARPA), DARPA could use any of these citations: 10 USC 129b, 10 USC 2358, 10 USC 2371, 10 USC 2373, 10 USC 2511, 10 USC 2901 (SERDP only). Every federal agency has specific reimbursable statutory authority granted to it by the U.S. Congress either in the agency's originating statutory language or subsequent statutes. The Requesting Federal Agency will have appropriate citations also. All federal agencies can use the Economy Act. Continuing to use DARPA as an example, the first sentence would read, "*This agreement is entered into pursuant to the authority of 10 USC 2373(d) and adheres to Federal Acquisition Regulation (FAR) 6.002.*"

### **Sample Statement from a Department of Homeland Security (DHS) Agency**

*This agreement is entered into pursuant to the authority of Section 309 of the Homeland Security Act of 2002, Public Law 107-296 (6 USC 189). The (enter name of requesting DHS agency) recognizes that this work will be performed in accordance with the Work for Others Administrative Instructions attached to DOE Proposal Number # (cite proposal number).*

If a Requesting Federal Agency funding document arrives without an existing corresponding DOE-ORO internal Programmatic Approval and mutually-agreeable statement of work (SOW), then DOE-ORO will hold the funds (not obligate them) until there is a DOE Programmatic Approval and SOW in place. At that point, DOE-ORO will obligate the funds. Amendments to the DOE approval and SOW can be done quickly and efficiently to meet the Requesting Federal Agency new or revised priorities.

### **What Is Your Taxpayer Identification Number (TIN)?**

The TIN/EIN for UT-Battelle, LLC. (which runs the Oak Ridge National Laboratory) is 62-1788235.

A Taxpayer Identification Number (TIN) code is also known as Federal Identification Number, or more commonly, Employer Identification Number (EIN). An EIN is a nine-digit number (for example, 12-3456789) assigned by the Internal Revenue Service to sole proprietors, corporations, partnerships, estates, trusts, and other entities for tax filing and reporting purposes.

## **Do You Do Research on Human Subjects?**

Yes, under very strict review and guideline procedures approved by DOE and consistent with the U.S. government's overall most stringent standards.

While many people typically view human subject research as biomedical and clinical studies that involve humans, the definitions for human subject research is much broader than this. Areas that must be considered include:

1. Use of humans to test a device or product developed through research;
2. Use of data collected through interaction with people via a variety of communication styles (e.g., written or oral surveys) or intervention activities such as collection of bodily fluid samples or manipulation of the individual's environment;
3. Use of private information readily associated with individuals (even when the information was not collected for a specific study);
4. Use of bodily materials even if collected by someone other than the researcher; and,
5. Use of humans to evaluate an environmental alteration such as weatherization options.

It is DOE's policy that all research that falls under the above categories must be reviewed and approved by both the researcher's institution and the Institutional Review Board (IRB).

## **Which Rules do you follow on Human Subjects Research?**

The Federal policy for protection of human subjects is called the Common Rule. In order to ensure uniform policies, this common rule was promulgated. Signatory agencies have codified the Common Rule under their own regulations. The 45 Code of Federal Regulation (CFR) 46 is where the Rule is found for the Department of Health and Human Services (DHHS) while 10 CFR 745 is where the Rule is found for the Department of Energy. Subparts under the DHHS regulations, which are also recognized by the DOE Order 443.1, Protection of Human Subjects, include protections for vulnerable populations, pregnant women, fetuses, prisoners, and children. The ORNL Institutional Review Board (IRB) is authorized under a Multiple Protection Assurance from DHHS (M.1334). It adheres to 45 CFR 46 and 10 CFR 745 in situations in which they are more stringent.

## **Do you have an U.S. Government Activity Address Code (AAC) or DOD Activity Address Code (DODAAC)?**

Yes. The AAC or DODAAC is a six-position code that uniquely identifies a unit, activity or organization that has the authority to requisition and/or receive U.S. government materiel.

Effective April 1, 2000, the DOE-approved Oak Ridge National Laboratory (ORNL) Agency Activity Code is A894777." For questions or assistance, please contact:

Oak Ridge National Laboratory

Ms. Cheri Cross  
Chief, Asset Mgt & Small Business Programs  
Business & Information Services Directorate  
Phone: 865-574-6046  
Fax: 865-241-4040  
Email Address: crosscl@ornl.gov

**Can You Do Independent Certifications and Representations for Government Contracts, Grants, etc?**

Generally, "Yes." Certification is subject the condition imposed in the DOE management and operating contracts under Federal Acquisition Regulation Subpart 17.6. The M&O contractors may do stand alone representations and certifications to other federal agencies after reviewing the FAR or federal agency provisions being requested. Based on the DOE M&O contract, there may be some FAR provisions that can not be certified to.

The M&O contractors are dedicated DOE contractors and are precluded from entering into any other U.S. government contracts or doing any independent commercial work. All work must be approved, authorized, and funded through DOE. To obtain the initial M&O contract, the contractor made the certification of compliance with all applicable U.S. government rules and standards.

If there are any questions on the actual Certifications and Representations made to the federal government, contact the respective DOE contracting official or the ORNL Prime Contract Administration Division:

For Oak Ridge National Laboratory

1. DOE: (865) 576-6367
2. UT-Battelle, LLC: (865) 576-9798

**Are You Authorized to Receive Military Critical Technical Data (DD Form 2345)?**

Yes. "Militarily Critical Technical Data" means unclassified technical data as governed by the U.S. Department of Defense Directive (DODD) 5230.25, "Withholding of Unclassified

Technical Data form Public Disclosure." The authority for this action is 10 USC 140c (Public Law 98-94, Section 1217, September 24, 1983) for the U.S. government.

Oak Ridge National Laboratory (ORNL)

The joint certification number for the ORNL is 0031217. The ORNL certification was assigned March 2, 2000, by the Defense Logistics Information Service. Mr. David R. Hamrin, ORNL Information Officer, is the designated data custodian and is the official responsible for all actions involving DD 2345 certifications. He can be reached at:

Mr. David R. Hamrin  
Office of Technical Information and Classification  
Oak Ridge National Laboratory  
P.O. Box 2008, Mail Stop 6285  
Oak Ridge, Tennessee 37831-6285  
Phone: (865) 574-6752  
Facsimile: (865) 241-0554  
Email: hamrindr@ornl.gov