



Department of Energy
Acquisition Regulation

No. AL 2005-14
Date 09/30/05

ACQUISITION LETTER

This Acquisition Letter is issued under the authority of the DOE and NNSA Procurement Executives.

Subject: Competition Requirements for Management and Operating Contracts under Section 995 of the Energy Policy Act of 2005

References: FAR 6.1, Full and Open Competition
FAR 17.6, Management and Operating Contracts
DEAR 917.6, Management and Operating Contracts
DOE Acquisition Guide, Chapter 6.1, Competition Requirements
Energy Policy Act of 2005, Public Law 109-58, Section 995

When is this Acquisition Letter (AL) effective?

This AL is effective immediately.

When does this AL Expire?

This AL remains in effect until superseded or canceled.

Who is the Point of Contact?

Contact Richard Langston of the Department of Energy (DOE) Office of Procurement and Assistance Policy at (202) 287-1339, or Richard.Langston@hq.doe.gov or Steve Law, National Nuclear Security Administration (NNSA) Office of Acquisition and Supply Management at (202) 586-4321, or Stephen.Law@nnsa.doe.gov.

What is the Purpose of this AL?

The purpose of this AL is to disseminate guidance on Section 995 of the Energy Policy Act of 2005.

What is the Background Information?

Congress has included competition requirements for management and operating contracts for National Laboratories in Section 995 of the recently enacted Energy Policy Act (EPACT) of 2005. These requirements are similar to those included in Section 301 of the FY 2005 Energy and Water Development Appropriations Act.

What is the Guidance contained in this AL?

EPACT Section 995 provides that none of the funds authorized to be appropriated to the Secretary by this title may be used to award a management and operating contract for a National Laboratory unless that contract is competitively awarded or the Secretary grants, on a case by case basis, a waiver. The Secretary may not delegate this authority and must notify Congress of the waiver at least 60 days prior to the date of award of such a contract. Lawrence Livermore, Los Alamos, Sandia, and Savannah River National Laboratories are excluded.

Section 301 of the Energy and Water Development Appropriations Act for Fiscal Year (FY) 2005, contained similar language that was applicable to all management and operating contracts with particular coverage for five FFRDCs (see Acquisition Letter 2005-02). We expect similar language in the FY 2006 Act.

The existing policy and procedures regarding the extend or compete process, contained in Acquisition Letter 96-09, remain unchanged.