



POLICY FLASH 2009-19

DATE: January 15, 2009

TO: Procurement Directors

FROM: Office of Procurement and Assistance Policy, MA-611
Office of Procurement and Assistance Management

SUBJECT: Acquisition Guide Chapter 50.1 – Extraordinary Contractual Actions

SUMMARY: The new Acquisition Guide Chapter is being issued to update guidance for preparing, coordinating and approving a Department of Energy or a National Nuclear Security Administration contractor indemnification request pursuant to Pub. L. No. 85-804. This guidance was previously contained in Acquisition Letter (AL) 2002-04, dated July 9, 2002, which is hereby cancelled.

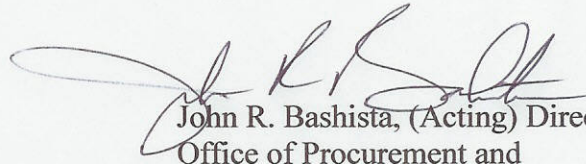
The updated guidance in the new Acquisition Guide Chapter includes the following changes from AL 2002-04:

- Roles and responsibilities of all parties involved in the preparation, coordination, and approval process are more clearly defined.
- A model H clause has been developed to alleviate the need for deviations, which were frequently used in the past.
- Various other model documents used in the process are now available from the Office of the Assistant General Counsel for Civilian Nuclear Programs, GC-52.
- Procedures regarding “case by case” indemnifications, and Work for Others issues have been added.
- The dollar limitation for nuclear incidents outside the United States has risen from \$100M to \$500M.

This Flash will be available online at the following website:

http://www.management.energy.gov/policy_guidance/policy_flashes.htm .

Questions relating to the guidance contained in the Guide Chapter may be directed to either Kevin M. Smith in MA-611, at (202) 287-1614 or at Kevin.M.Smith@hq.doe.gov, or Sophia Angelini in GC-52, at (202) 586-0319, or at Sophia.Angelini@hq.doe.gov.



John R. Bashista, (Acting) Director
Office of Procurement and
Assistance Policy

Attachment