

## Department of Energy

939.7002

policies and requirements for inspection and acceptance under construction contracts.

### **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.

(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.

## **PART 937—SERVICE CONTRACTING**

### **Subpart 937.70—Protective Services Contracting**

937.7040 Contract clauses.

AUTHORITY: 42 U.S.C. 7254; 40 U.S.C. 486(c).

### **Subpart 937.70—Protective Services Contracting**

SOURCE: 58 FR 36151, July 6, 1993, unless otherwise noted.

#### **937.7040 Contract clauses.**

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 FAR 52.222-1, Notice to the Government of Labor Disputes.

## **PART 939—ACQUISITION OF INFORMATION TECHNOLOGY**

### **Subpart 939.70—Implementing DOE Policies and Procedures**

Sec.

939.7000 Scope.

939.7001 Outdated information technology equipment.

939.7002 Contractor acquisition of information technology.

AUTHORITY: 42 U.S.C. 7254; 40 U.S.C. 486(c).

SOURCE: 62 FR 53758, Oct. 16, 1997, unless otherwise noted.

### **Subpart 939.70—Implementing DOE Policies and Procedures**

#### **939.7000 Scope.**

This part sets forth the policies and procedures that apply to the acquisition of information technology by the Department of Energy (DOE).

#### **939.7001 Outdated information technology equipment.**

Solicitations and contracts for, or using, outdated information technology equipment shall be submitted to the Office of Management Systems, Office of Procurement and Assistance Management for review and approval. The Office of Information Management shall review these documents and make the decision whether to allow the acquisition or use of outdated information technology equipment.

#### **939.7002 Contractor acquisition of information technology.**

(a) *Management and operating (M&O) contracts.* Except as provided in paragraph (c) of this section, M&O contractors and their subcontractors shall not be used to acquire information technology unrelated to the mission of the M&O contract either for sole use by DOE employees or employees of other DOE contractors, or for use by other Federal agencies or their contractors.

(b) *Other than M&O contracts.* Where it has been determined that a contractor (other than an M&O contractor or its subcontractor) will acquire information technology either for sole use by DOE employees or for the furnishing

of the information technology as government-furnished property under another contract, and after receiving written authorization from their cognizant DOE contracting office pursuant to 48 CFR part 51, DOE contractors working under cost-reimbursement-type contracts may place orders against authorized contracts. All authorizations to contractors shall expressly and specifically reference the restriction regarding contractor use of the items acquired, cited at 48 CFR 951.102(e)(4)(iii).

(c) *Consolidated contractor acquisitions.* When common information technology requirements in support of DOE programs have been identified and it is anticipated that the consolidation of such requirements will promote cost or other efficiencies, the Designated Senior Official for Information Management may authorize an M&O contractor to acquire information technology for use by the following:

- (1) One or more other contractor(s) performing on-site at the same DOE-owned or -leased facility as the M&O contractor, or
- (2) Other M&O contractors.

## PART 941—ACQUISITION OF UTILITY SERVICES

### Subpart 941.2—Acquiring Utility Services

Sec.

941.201-70 DOE Directives.

941.201-71 Use of subcontracts.

AUTHORITY: 42 U.S.C. 7254; 40 U.S.C. 486(c).

SOURCE: 61 FR 41710, Aug. 9, 1996, unless otherwise noted.

### Subpart 941.2—Acquiring Utility Services

#### 941.201-70 DOE Directives.

Utility services (defined at FAR 41.101) shall be acquired in accordance with FAR part 41 and DOE Directives in subseries 4540 (Public Services).

#### 941.201-71 Use of subcontracts.

Utility services for the furnishing of electricity, gas (natural or manufactured), steam, water and/or sewerage at facilities owned or leased by DOE shall not be acquired under a subcontract arrangement, except as provided for at 48 CFR 970.0803 or if the prime contract is with a utility company.