

## 970.3501-2

in part, prescribes limitations on the FFRDC competing with the private sector, and requirements for the FFRDC's acceptance of work from a nonsponsor; and

(4) Other terms and conditions considered necessary for the particular circumstances of the FFRDC (e.g., advance understandings on particular cost items).

[65 FR 81009, Dec. 22, 2000, as amended at 74 FR 36373, July 22, 2009]

### 970.3501-2 Using an FFRDC.

The contractor may only accept work from a non-sponsor (as defined in 48 CFR 35.017) in accordance with the requirements of DOE Order 481.1, Work for Others (Non-Department of Energy Funded Work).

[65 FR 81009, Dec. 22, 2000, as amended at 74 FR 36373, July 22, 2009]

### 970.3501-3 Reviewing FFRDC's.

(a) All Department of Energy sponsored FFRDC's are operated by management and operating contractors.

(b) Coincident with the review required by 48 CFR 17.605(b) and 970.1706-1(b) regarding the decision to extend or compete a management and operating contract, the contracting officer shall, in accordance with internal Departmental procedures:

(1) Conduct the review required by 48 CFR 35.017-4 concerning the use and need for the FFRDC; and

(2) Recommend for Secretarial approval, the continuation or termination of the Department's sponsorship of an FFRDC at the time authorization is required to extend or compete a management and operating contract.

[65 FR 81009, Dec. 22, 2000, as amended at 74 FR 36373, July 22, 2009]

### 970.3501-4 Contract clause.

The contracting officer shall insert the clause at 970.5235-1, Federally Funded Research and Development Center Sponsoring Agreement, in all solicitations and contracts for the management and operation of an FFRDC sponsored by the Department of Energy.

[65 FR 81009, Dec. 22, 2000, as amended at 74 FR 36373, July 22, 2009]

## 48 CFR Ch. 9 (10-1-11 Edition)

### Subpart 970.36—Construction and Architect-Engineer Contracts

#### 970.3605 Contract clauses.

##### 970.3605-1 Other contracts.

The clause at 48 CFR 52.236-8, Other Contracts, shall be used in all management and operating contracts.

[65 FR 81009, Dec. 22, 2000, as amended at 74 FR 36374, July 22, 2009]

##### 970.3605-2 Special construction clause for operating contracts.

The clause at 48 CFR 970.5236-1, Government Facility Subcontract Approval, shall be used in management and operating contracts when the contractor will not perform covered work with its own forces but may procure construction by subcontract.

[65 FR 81009, Dec. 22, 2000, as amended at 74 FR 36374, July 22, 2009]

### Subpart 970.37—Facilities Management Contracting

#### 970.3706 Performance-based acquisition.

##### 970.3706-1 General.

For policy and guidance on performance-based contracting for management and operating (M&O) contracts, see 970.1100.

[75 FR 68220, Nov. 5, 2010]

#### 970.3770 Facilities management.

##### 970.3770-1 Policy.

Contractors managing the Department of Energy (DOE) facilities shall be required to comply with the DOE Directives applicable to facilities management. The use of the DOE Directives is prescribed in 970.0470.

[75 FR 68220, Nov. 5, 2010]