

## Department of Energy

## 970.3501-4

contractor has obtained the prior written approval of the DOE manager of the field activity having cognizance over the contract. Such approval shall not be given except in compliance with applicable DOE directives, and with the concurrence of the cognizant Senior Program Official.

[65 FR 81009, Dec. 22, 2000, as amended at 74 FR 36373, July 22, 2009. Redesignated at 75 FR 68220, Nov. 5, 2010]

### **970.35 Research and development contracting.**

#### **Subpart 970.35—Research and Development Contracting**

##### **970.3500 Scope of subpart.**

This subpart implements 48 CFR 35.017 regarding the establishment, use, review, and termination of Federally Funded Research and Development Centers (FFRDCs) sponsored by the Department of Energy (DOE).

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

##### **970.3501 Federally funded research and development centers.**

###### **970.3501-1 Sponsoring agreements.**

(a) The contract award document constitutes the sponsoring agreement between the Department of Energy and the contractor operating an FFRDC.

(b) The contract statement of work shall define the purpose and mission of the FFRDC.

(c) Other elements of the sponsoring agreement which shall be incorporated into the contract include:

(1) The appropriate termination clause of the contract (as prescribed in 48 CFR subpart 49.5).

(2) The plan for the identification, use, and disposition of retained earnings developed pursuant to 970.1504-1-3(c)(6), if applicable;

(3) The clause entitled “Federally Funded Research and Development Center Sponsoring Agreement,” which, 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 cir-

cumstances 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]