

**Department of Energy**

**970.2672-3**

**Subpart 970.25—Foreign Acquisition**

**970.2570 Contract clauses.**

Contracting officers shall insert the clauses at 48 CFR 52.225-1, Buy American Act—Supplies, and 48 CFR 52.225-9, Buy American Act—Construction Materials, in management and operating contracts. The clause at 48 CFR 52.225-1 shall be modified in paragraph (d) by substituting the word “use” for the word “deliver.”

[75 FR 68219, Nov. 5, 2010]

**Subpart 970.26—Other Socioeconomic Programs**

**970.2670 Implementation of Section 3021 of the Energy Policy Act of 1992.**

**970.2670-1 Requirements.**

The goal requirements of section 3021 of the Energy Policy Act of 1992, and the attendant reporting requirements shall be included in the subcontracting plan for the management and operating contract and shall apply to the annual dollar obligations specifically provided to the contractor for competitively awarded subcontracts that fulfill Energy Policy Act requirements.

**970.2671 Diversity.**

**970.2671-1 Policy.**

Department of Energy policy recognizes that full utilization of the talents and capabilities of a diverse work force is critical to the achievement of its mission. The principal goals of this policy are to foster and enhance partnerships with small, small disadvantaged, women-owned small businesses, and educational institutions; to match capabilities with existing opportunities; to track small, small disadvantaged, women-owned small business, and educational activity; and to develop innovative strategies to increase opportunities.

**970.2671-2 Contract clause.**

The contracting officer shall insert the clause at 970.5226-1, Diversity Plan,

in all management and operating contracts.

[65 FR 81009, Dec. 22, 2000, as amended at 75 FR 68221, Nov. 5, 2010]

**970.2672 Implementation of Section 3161 of the National Defense Authorization Act for Fiscal Year 1993.**

**970.2672-1 Policy.**

Consistent with the objectives of section 3161 of the National Defense Authorization Act for Fiscal Year 1993, 42 U.S.C. 7274h, in instances where the Department of Energy has determined that a change in work force at a DOE Defense Nuclear Facility is necessary, DOE contractors and subcontractors at DOE Defense Nuclear Facilities shall accomplish work force restructuring or displacement so as to mitigate social and economic impacts and in a manner consistent with any DOE work force restructuring plan in effect for the facility or site. In all cases, mitigation shall include the requirement for hiring preferences for employees whose positions have been terminated (except for termination for cause) as a result of changes to the work force at the facility due to restructuring accomplished under the requirements of section 3161. Where applicable, contractors may take additional actions to mitigate consistent with the Department’s Workforce Restructuring Plan for the facility or site.

**970.2672-2 Requirements.**

The requirements set forth in subpart 926.71, Implementation of Section 3161 of the National Defense Authorization Act for Fiscal Year 1993, for contractors and subcontractors to provide a hiring preference for employees under Department of Energy contracts whose employment in positions at a Department of Energy Defense Nuclear Facility is terminated (except for a termination for cause) applies to management and operating contracts.

[65 FR 81009, Dec. 22, 2000, as amended at 75 FR 68221, Nov. 5, 2010]

**970.2672-3 Contract clause.**

The contracting officer shall insert the clause at 970.5226-2, Workforce Restructuring Under Section 3161 of the National Defense Authorization Act for

## 970.2673

Fiscal Year 1993, in contracts for the management and operation of Department of Energy Defense Nuclear Facilities and, as appropriate, in other contracts that include site management responsibilities at a Department of Energy Defense Nuclear Facility.

[65 FR 81009, Dec. 22, 2000, as amended at 75 FR 68221, Nov. 5, 2010]

### 970.2673 Regional partnerships.

#### 970.2673-1 Policy.

It is the policy of the DOE to be a constructive partner in the geographic region in which DOE conducts its business. The basic elements of this policy include—

- (a) Recognizing the diverse interests of the region and its stakeholders;
- (b) Engaging regional stakeholders in issues and concerns of mutual interest; and
- (c) Recognizing that giving back to the community is a worthwhile business practice.

[65 FR 81009, Dec. 22, 2000, as amended at 75 FR 68219, Nov. 5, 2010]

#### 970.2673-2 Contract clause.

The contracting officer shall insert the clause at 970.5226-3, Community Commitment, in all management and operating contracts.

[65 FR 81009, Dec. 22, 2000, as amended at 75 FR 68221, Nov. 5, 2010]

## Subpart 970.27—Patents, Data, and Copyrights

### 970.2701 General.

#### 970.2701-1 Applicability.

This subpart applies to negotiation of patent rights, rights in technical data provisions and other related provisions for the Department of Energy contracts for the management and operation of DOE's major sites or facilities, including the conduct of research and development and nuclear weapons production, and contracts which involve major, long-term or continuing activities conducted at a DOE site.

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### 970.2702 Patent related clauses.

#### 970.2702-1 Authorization and consent.

Contracting officers must use the clause at 970.5227-4, Authorization and Consent, instead of the clause at 48 CFR 52.227-1.

#### 970.2702-2 Notice and assistance regarding patent and copyright infringement.

Contracting officers must use the clause at 970.5227-5, Notice and Assistance Regarding Patent and Copyright Infringement, instead of the clause at 48 CFR 52.227-2.

#### 970.2702-3 Patent indemnity.

(a) Contracting officers must use the clause at 970.5227-6, Patent Indemnity—Subcontracts to assure that subcontracts appropriately address patent indemnity.

(b) Normally, the clause at 48 CFR 52.227-3 would not be appropriate for an M&O contract; however, if there is a question, such as when the mission of the contractor involves production, the contracting officer must consult with local patent counsel and use the clause where appropriate.

#### 970.2702-4 Royalties.

Contracting officers must use the solicitation provision at 970.5227-7, Royalty Information, and the clause at 970.5227-8, Refund of Royalties instead of the provision at 48 CFR 52.227-8 and the clause at 48 CFR 52.227-9, respectively.

#### 970.2702-5 Rights to proposal data.

Contracting officers must include the clause at 48 CFR 52.227-23, Rights to Proposal Data, in all solicitations and contracts for the management and operation of DOE sites and facilities.

#### 970.2702-6 Notice of right to request patent waiver.

Contracting officers must include the provision at 970.5227-9 in all solicitations for contracts for the management and operation of DOE sites or facilities.