

U.S. Department of Energy
Washington, D.C.

ORDER

DOE O 481.1F

Approved: 08-05-2026

SUBJECT: NON-FEDERAL STRATEGIC PARTNERSHIP PROJECTS

1. PURPOSE.

- a. To establish Department of Energy's (DOE's) policy requirements and oversight responsibilities governing strategic partnership projects with non-federal entities (SPP-NFEs) pursuant to 42 United States Code (U.S.C.) §§ 2051–2053, 43 U.S.C. § 395, and other applicable authorities at DOE facilities. SPP-NFEs have the following objectives (DOE recognizes that individual projects may not meet all objectives).
 - (1) Provide assistance to non-federal agencies in accomplishing goals that may be otherwise unattainable and to avoid duplication of effort at federal facilities.
 - (2) Provide access to DOE/National Nuclear Security Administration (NNSA) highly specialized or unique facilities, services, or technical expertise to non-DOE/non-NNSA entities when private-sector facilities are inadequate.
 - (3) Assist in maintaining core competencies and enhancing the science and technology base at DOE/NNSA facilities.
- b. Ensure that SPP-NFE activities are conducted in compliance with:
 - (1) The statutes, regulations, Executive Orders, and other authorities identified in section 6, References, of this Order; and
 - (2) The applicable facility contractor DOE prime contract, including the Management and Operating (M&O) contract and incorporated DOE Acquisition Requirements (DEAR) and Federal Acquisition Requirements clauses.
- c. Establish a risk-based oversight framework (governance vs. compliance) under which:
 - (1) SPP-NFE activities that present low statutory, financial, human or animal subject, or national security risk and use a prior DOE-approved scope of work, such as the master scope of work (MSW) as set forth in section 4.f, may be executed under delegated authority at the facility contractor level;

- (2) Substitution of preapproved alternate clauses and legally sufficient changes to non-double underlined clauses may be incorporated in SPP-NFE agreements and such agreements may be approved under an MSW or delegated authority at the federal contractor level as described in section 4; and
 - (3) SPP-NFEs presenting elevated risk factors or that are not using a prior DOE-approved scope of work such as an MSW as set forth in section 3.g require DOE review consistent with the referenced authorities and applicable contract provisions.
 - d. Clarify that DOE oversight shall be proportionate to risk and complexity while ensuring:
 - (1) Protection of national security interests;
 - (2) Adherence to United States (U.S.) competitiveness requirements;
 - (3) Stewardship of federally funded intellectual property and data; and
 - (4) Timely and efficient execution of technology transfer and partnership activities consistent with DOE mission objectives.
- 2. CANCELS/SUPERSEDES. DOE Order (O) 481.1E, *Strategic Partnership Projects (Formerly Known as Work for Others [Non-Department of Energy Funded Work])*, dated December 20, 2018.

Cancellation of a directive does not, by itself, modify or otherwise affect any contractual or regulatory obligation to comply with the directive. Contractor Requirements Documents (CRDs) that have been incorporated into a contract remain in effect throughout the term of the contract unless and until the contract or regulatory commitment is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.
- 3. APPLICABILITY.
 - a. Departmental Applicability.
 - (1) Except for equivalencies/exemptions processed under paragraph c of this section, this Order applies to facility contractors negotiating and entering into SPP-NFEs.
 - (2) Government-owned, contractor-operated facility contractors including M&O contractors (or DOE facility contractors) are authorized to enter into SPP-NFEs by inclusion of DEAR 970.5227-3, Technology Transfer Mission, DEAR 970.5217-1, Strategic Partnership Projects Program, in the facility contract.

- (3) Government-owned, government-operated facilities are authorized to enter into SPP-NFEs consistent with applicable statutory and regulatory requirements.
 - b. DOE Facility Contractors. DOE facility contractor obligations arising under this Order shall be implemented through the applicable M&O contract via a CRD which sets forth requirements of this Order that apply to contracts included in the CRD. The CRD must be included in all DOE facility M&O contracts under which contractors negotiate and enter into SPP-NFEs under the *National Competitiveness Technology Transfer Act of 1989*.
 - c. Equivalencies/Exemptions for DOE O 483.1F. Equivalencies and exemptions to this order are processed in accordance with DOE O 251.1D, *Departmental Directives Program*, and its successors.
4. REQUIREMENTS. The following policies and requirements must be applied in carrying out the SPP-NFE programs:
- a. The proposed work is expected to result in a benefit consistent with the program missions at the facility and the facility's mission as established by the Cognizant Secretarial Officer (CSO). The proposed work will not adversely impact DOE/NNSA programs assigned to the facility and will not place the facility in direct competition with the domestic private sector.
 - b. Activities must be conducted in a manner that does not compromise the national security, economic, or environmental interests of the United States.
 - c. A DOE facility contractor operating a federally funded research and development center or other DOE/NNSA facility may respond to broad agency announcements, financial assistance solicitations, program research and development announcements, and similar solicitations from other non-federal entities when the following conditions have been met:
 - (1) Response to the solicitation does not result in head-to-head competition with other solicitation respondents as an offeror, team member, or subcontractor to an offeror.
 - (2) The cognizant field office has been notified of intent to respond.
 - (3) The solicitation is a general research announcement used for the acquisition of basic or applied research to further advance scientific knowledge or understanding rather than focused on a specific system or hardware solution.
 - (4) Evaluation and selection are performed through a merit or peer review process using pre-established general selection criteria.
 - (5) The primary bases for selection include quality of the scientific/technical approach, importance to the agency, and funds availability.

- d. Export control reviews must be performed in accordance with facility contracts and DOE policy. SPP-NFE activities can result in information and technologies that may be subject to export controls. This export-controlled information may or may not also fall under such categories as classified information or unclassified controlled nuclear information (UCNI). Consistent with applicable statutes, such information may be considered for protection from public dissemination for a period after development of information to retain its commercial value and provide an incentive for its commercial application. Any protectable information generated or exchanged as a result of a SPP-NFE will be marked, handled, and safeguarded in accordance with all applicable federal laws, rules, regulations and DOE Orders or Directives, including, but not limited to, the 18 U.S.C. § 1905, Trade Secrets Act, 5 U.S.C. § 552, Freedom of Information Act (FOIA), DOE's implementing FOIA regulations at 10 CFR § 1004, Freedom of Information Act (15 U.S.C. § 3710a[c], Cooperative research and development agreement), and DOE O 471.7, *Controlled Unclassified Information*. In accordance with these rules, certain information transmitted pursuant to a SPP-NFE may qualify for protection from disclosure under FOIA.
- e. DOE employees, in accordance with applicable law and the provisions of facility contracts, must protect properly marked proprietary information and data provided by private-sector collaborators and non-federal parties in the conduct of SPP-NFE activities.
- f. Non-federal parties (also referred to as "sponsors") are permitted to use funds previously obtained from federal sources as their contribution to fund a project, provided such use is consistent with the underlying funding agreement and aligned with the facility contractor's M&O contract.
- g. Master Scope of Work Process. With approval from the cognizant Head of Field Element, the cognizant Contracting Officer may approve an MSW for work with non-federal parties (i.e., sponsors). If the DOE facility contractor and the Contracting Officer agree upon an MSW, individual project transactional approval by the Contracting Officer is not required if the DOE facility contractor determines that the proposed transaction falls within the approved MSW. Rather, the DOE facility contractor applies the Contracting Officer's MSW written certification and approval to the transaction. The DOE facility contractor must provide to the Head of Field Element and Contracting Officer a written determination of its decision that the project falls within the MSW, subject to Contracting Officer review and oversight. The Contracting Officer is still responsible for placing the work and funding onto the contract as required for all work at the facility using standard contracting procedures and consistent with the DOE Chief Financial Officer's (CFO's) guidance. Any proposed work that has specific requirements (e.g., a foreign engagement) (DOE Policy 485.1, *Foreign Engagements with DOE National Laboratories*, current version) or work involving animal subjects must receive the necessary approvals for such requirements before the proposed work can enter or reenter the MSW process. The MSW process may only be authorized or utilized for any type of classified or other work requiring classification guidance with specific approval from the

Officially Designated Federal Security Authority, and, if appropriate, the Contracting Officer under the MSW.

- h. All proposed SPP-NFE projects with Countries of Risk must first be reviewed by the cognizant DOE/NNSA Field Element, in coordination with the laboratory, to determine whether the engagement is in an area identified as restricted in the current Science and Technology (S&T) Risk Matrix. Such projects within an area identified as restricted are not pursued further unless the cognizant DOE Field Element agrees to pursue an exemption, as described in section 5.
- i. Contracting Officer Delegation of Authority. With approval from the cognizant Head of Field Element, the Contracting Officer may grant the facility contractor delegated approval authority for SPP-NFEs according to terms based on pre-defined (e.g., low-risk activities) as described in section 1.c and only for prior DOE-approved scopes of work, such as an MSW.

5. RESPONSIBILITIES.

- a. Under Secretary of Energy, Under Secretary for Science, or their designees, in consultation with the Under Secretary for Nuclear Security, or his/her designee, as appropriate.
 - (1) Recommend, establish, and coordinate policy and provide overall guidance, subject to the Secretary's direction, for SPP-NFE activities and recommend appropriate delegations of authority for carrying out such policy and guidance.
 - (2) Serve as the focal point and provide leadership for developing policies and procedures, resolving SPP-NFE partnering issues, and ensuring effective implementation of existing policies.
 - (3) Approve/disapprove exemption requests based on the current S&T Risk Matrix.
- b. Chief Commercialization Officer, or his/her designee, in consultation with the Technology Transfer Policy Board, and as appropriate for SPP-NFE activities related to technology commercialization.
 - (1) Develop policy and recommend procedures for the conduct, and be responsible for the coordination, of SPP-NFE activities at DOE facilities.
 - (2) Provide an interagency coordination point for SPP-NFE activities at DOE facilities, as appropriate.
 - (3) Provide guidance to CSOs for the preparation and submission of reports, such as the annual DOE report to Congress on technology partnering program activities.

- (4) Coordinate the preparation of annual facility technology partnering program reports.
- (5) Coordinate and conduct training, in coordination with the Head of Field Element, of DOE field personnel responsible for oversight of the DOE facility contractors' technology transfer programs to ensure consistent development and application of policy and procedures in planning and conducting SPP-NFE activities at DOE facilities.

c. Office of Management.

- (1) Establish, in conjunction with CSOs and NNSA officials, DOE SPP-NFE policies.
- (2) Approve requests for excluding non-NNSA SPP-NFE agreements from requirements of this Order including in cases of national emergency.
- (3) Develop, maintain, and update the standard SPP-NFE agreements in a guide for non-federal sponsors.

d. Chief Financial Officer.

- (1) Establish and maintain DOE SPP financial policies and procedures in conjunction with Office of Management, CSOs, and NNSA Office of SPP.
- (2) Develop and maintain financial information on SPP and prepare financial reports as necessary.
- (3) Coordinate with responsible CSOs to ensure the availability of funds for SPP accepted and performed at Headquarters.
- (4) Concur on construction projects funded by a SPP agreement that exceed the DOE-approved minor construction limits.
- (5) Establish and assign required SPP values in the DOE Financial Management Systems in coordination with the Designated Financial Officer.

e. Cognizant Secretarial Officers.

- (1) Exercise primary oversight, management, and administrative responsibility for SPP-NFE activities at facilities under their cognizance.
- (2) For facilities under their cognizance, provide general guidance in accordance with the terms of the facility contract or delegation of authority.

- (3) Ensure the availability of timely and accurate data and information about SPP-NFE from facilities under their cognizance for satisfying DOE reporting and information requirement.
- (4) Ensure that Heads of Field Element complete an appraisal of the performance of the SPP-NFE activities under their cognizance on an established periodicity.
- (5) Review and concur on exemption requests for SPP-NFE projects with foreign entities from Countries of Risk that are in areas identified as restricted in the current S&T Risk Matrix.

f. Program Secretarial Officers (PSOs).

- (1) Exercise primary programmatic responsibility for the implementation of SPP-NFE activities for their programs.
- (2) Support the CSO in the execution of the CSO's institutional responsibilities by providing programmatic, mission area, and technical expertise in the resolution of issues.
- (3) Review and concur on foreign-sponsored SPP agreements to ensure the use of program developed technologies is acceptable for the purpose of the SPP agreement.
- (4) Review and concur on exemption requests for SPP-NFE projects with foreign entities from Countries of Risk that are in areas identified as restricted in the current S&T Risk Matrix.
- (5) After obtaining concurrence from the Office of the CFO, approve facility construction that exceeds the DOE-approved minor construction limit.
- (6) For DOE facilities under their cognizance,
 - (a) Approve or designate the Head of the Field Element to approve annual SPP levels and requests for increases.
 - (b) Conduct periodic reviews of field office SPP agreement review and approval systems using a risk-based management approach.

g. DOE General Counsel including the Assistant General Counsel for Technology Transfer and Intellectual Property (AGC-TT/IP).

- (1) Provide legal advice and representation on SPP agreement issues.

- (2) The AGC-TT/IP provides legal counsel to departmental elements on all matters relating to intellectual property (including patents, copyrights, and technical data) and transfer of those rights to the private sector in accordance with established legal authorities, including from department laboratories, and provides legal counsel on issues related to the SPP-NFE program including questions regarding the various requirements presented in this Order.
- (3) The AGC-TT/IP establishes policy on intellectual property rights, advises and provides guidance on intellectual property provisions for SPP-NFEs, and approves waivers of patent rights and of any disposition of other intellectual property rights.

h. Heads of DOE Field Elements.

- (1) Oversee SPP-NFE activities conducted in DOE facilities under their purview. In this capacity, Heads of Field Elements are accountable to the CSO.
- (2) Ensure that federal staff and the contractors under their purview effectively carry out appropriate SPP-NFE activities in accordance with applicable laws, regulations, departmental directives, and delegations of authority.
- (3) Develop and implement local procedures for the review and approval of SPP-NFE activities consistent with legislation, departmental directives, and contractual commitments and objectives.
- (4) In coordination with the CSO and PSOs, conduct reviews and appraisals of SPP-NFE activities under their cognizance, including review of the use of any delegated signature authority pursuant to section 4.i, and immediately rescind the delegation upon making a determination that the delegated signature authority has been improperly used.
- (5) Notify appropriate Headquarters elements of higher risk SPP-NFE activities.
- (6) Ensure adequate contractor review and appropriate DOE engagement in proposed SPP-NFE activities involving human and/or animal subjects for compliance with the established regulations and departmental directives for protection of these subjects, as appropriate.
- (7) Ensure that SPP-NFE activities under their purview are effectively conducted in accordance with applicable security, safeguards, and classification and controlled unclassified information policies, as appropriate.

- (8) Ensure the contractor appropriately notifies the Office of Intelligence and Counterintelligence of any SPP-NFE agreements involving intelligence activities.
 - (9) Ensure adequate DOE and contractor review of SPP-NFE activities for compliance with applicable environmental, safety, and health requirements, including requirements of the *National Environmental Policy Act*, as appropriate, and to determine the applicability of 10 CFR § 851, Worker Safety and Health Program, to SPP-NFE activities.
 - (10) Consistent with the policies and procedures of the Department regarding SPP-NFE activities, establish performance goals and measures to assess performance and effectiveness of local SPP-NFE processes and impacts of subsequent improvements and/or additional requirements.
 - (11) Ensure periodic review and appraisal of SPP-NFE activities.
 - (12) Ensure that summary information is maintained sufficiently to respond to reporting requirements and to respond to requests for information from DOE Headquarters or outside entities.
 - (13) In coordination with the cognizant contractor, determines if a proposed SPP-NFE project with a foreign entity from a Country of Risk is in an area identified as restricted in the current S&T Risk Matrix and as appropriate, prepares exemption requests for cognizant Under Secretarial approval.
- i. Office of Intelligence and Counterintelligence.
- (1) Establish procedures for the review of all SPP-NFE activities concerning intelligence and intelligence-related programs.
 - (2) Approve all SPP-NFE activities for intelligence-related programs.
 - (3) Establish procedures for the review of SPP-NFE activities involving classified and/or controlled unclassified technology. The list of sensitive subjects is maintained by the Office of Defense Nuclear Nonproliferation.
 - (4) Establish procedures for the review of SPP-NFE activities involving foreign sponsors.
- j. Contracting Officers. Once notified, incorporate the CRD into the affected contracts.

6. REFERENCES.

- a. P.L. 96-517, *Bayh-Dole Act of 1980*, (35 U.S.C. § 200 *et seq.*), gives small businesses and nonprofit contractors the right to elect title to inventions made under funding agreements, with the government retaining a license; provides for march-in rights and U.S. preference; and contains provisions relating to licensing of inventions.
- b. P.L. 83-703, *The Atomic Energy Act of 1954*, (42 U.S.C. § 2182), Sections 31, 32, and 33, which authorize the conduct of research and development and certain training activities for non-DOE/non-NNSA entities, provided that private facilities or laboratories are inadequate for that purpose. It authorizes such charges as may be appropriate for the conduct of those activities. Section 152 addresses the disposition of title to inventions useful in the production or utilization of special nuclear material or atomic energy made under DOE contracts, etc., and the process for waiving title to such inventions to contractors.
- c. Section 9 of the *Federal Nonnuclear Energy Research and Development Act of 1974*, P.L. 93-577 (42 U.S.C. § 5908), addresses the disposition of title to nonnuclear inventions made under DOE contracts, etc., and the process for waiving title to such inventions to contractors.
- d. Executive Order 12591, “Facilitating Access to Science and Technology,” dated April 10, 1987, requires that Executive departments and agencies, to the extent permitted by law, transfer federally funded technology to the commercial sector.
- e. P.L. 83-703, Section 31 of the *Atomic Energy Act of 1954*, (42 U.S.C. § 2051), provides for the dissemination of scientific and technical information.
- f. P.L. 89-487, *Freedom of Information Act (FOIA)*, (5 U.S.C. § 552 *et seq.*), provides for public access to federal agency records, which would include records containing scientific and technical information created with federal funding.
- g. P.L. 98-620, *Trademark Clarification Act of 1984*, extended the contractors’ right to elect title to inventions provided by the *Bayh-Dole Act* to DOE’s facility contractors.
- h. *Department of Energy Financial Management Handbook*, current version, Chapter 13, Reimbursable Work, Revenues, and Other Collections, which establishes DOE/NNSA-wide financial policy and procedural guidance for certain interagency reimbursable actions and reimbursable actions with non-DOE/non-NNSA entities.
- i. P.L. 105-261, *Strom Thurmond National Defense Authorization Act of 1999*, provides for the Secretary of Energy to impose an administrative charge (which includes any depreciation and imputed federal interest charges) in an amount not to exceed 3% of the full cost incurred in carrying out the research and activities on behalf of non-departmental persons and entities.

- j. P.L. 106-404, *Technology Transfer Commercialization Act of 2000*, directs the Secretary of Energy to require the contractors to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding the policies and actions of the laboratory with respect to technology partnerships.
- k. Title X, section 1001 of the *Energy Policy Act of 2005* (EPACT 2005) (P.L. 109-58) calls for the appointment of the Technology Transfer Coordinator to serve as the principal advisor to the Secretary of Energy on all matters relating to the technology transfer and commercialization. EPACT 2005 also stipulates that the Secretary shall establish a Technology Transfer Working Group to coordinate technology transfer activities occurring at the national laboratories and single-purpose research facilities.
- l. On February 28, 2011, the Secretary of Energy signed a Secretarial Policy Statement on Technology Transfer at DOE facilities. The Policy Statement is designed to help guide and strengthen DOE's technology transfer efforts and to heighten awareness of the importance of technology transfer activities throughout DOE. DOE may issue updated Policy Statements from time to time.
- m. Presidential Memorandum—Accelerating Technology Transfer and Commercialization of Federal Research in Support of High-Growth Businesses, October 28, 2011.
- n. Section 3120 of the *National Defense Authorization Act for Fiscal Year 2013*, directing the Secretary of Energy and the Administrator of NNSA, to the extent practicable, to streamline the approval process for Cooperative Research and Development Agreements.
- o. DOE O 241.1, *Scientific and Technical Information Management*, current version, provides requirements and responsibilities for the appropriate management and reporting of scientific and technical information.
- p. DOE O 471.3, *Identifying and Protecting Official Use Only Information*, current version, and DOE Manual (M) 471.3-1, *Manual for Identifying and Protecting Official Use Only Information*, current version, establish requirements for DOE program to identify, mark, and protect documents containing such information.
- q. 10 CFR § 1045, *Nuclear Classification and Declassification*, establishes the government-wide policies and procedures for implementing sections 141 and 142 of the *Atomic Energy Act of 1954* for classifying and declassifying restricted data (RD) and formerly restricted data (FRD) and implements those requirements of Executive Order 13526 concerning national security information (NSI) that affect the public.
- r. Executive Order 13526, "Classified National Security Information," prescribes the government-wide system for classifying, safeguarding, and declassifying NSI.

- s. DOE O 475.2, *Identifying Classified Information*, current version, establishes requirements for managing the DOE program including details for classifying and declassifying information, documents, and material classified under the *Atomic Energy Act* (RD, FRD, and transclassified foreign nuclear information) or Executive Order 13526 so that it can be protected against unauthorized dissemination.
- t. 10 CFR § 1017, *Identification and Protection of Unclassified Controlled Nuclear Information*, establishes government-wide policies and procedures for implementing the requirements of section 148 of the *Atomic Energy Act of 1954* concerning the identification and protection of certain unclassified but sensitive government information concerning atomic energy defense programs.
- u. DOE O 471.1, *Identification and Protection of Unclassified Controlled Nuclear Information*, current version, establishes requirements for managing the DOE program for identifying and protecting UCNI.

7. DEFINITIONS.

- a. Cognizant Secretarial Officer. Headquarters Assistant Secretaries, Deputy Administrators, and Directors responsible for oversight or institutional management of DOE/NNSA facilities.
- b. DOE Facility. Government-owned laboratory or production facility or other facility operated under DOE program cognizance.
- c. DOE Facility Contractor. Entity that operates and maintains a DOE facility under contract with, and for the benefit of, DOE and has the responsibility and authority to conduct technology partnering activities.
- d. Heads of Field Elements. Federal managers of field elements and directors of DOE facility contractor. Heads of field elements have line accountability for all site program/project execution and contract management. Field element can refer to operations office, integrated support center, or field or site office.
- e. Program Secretarial Officer. Headquarters Assistant Secretaries, Deputy Administrators, and Directors who have management responsibility for program planning, budgeting, and execution of DOE/NNSA mission program activities. For purposes of this Order, the PSO funds work at a particular site or laboratory via a “customer” relationship with the Field Element.
- f. Strategic Partnership Projects. Work for non-DOE/non-NNSA entities by DOE/NNSA and/or their site/facility management contractors or use of DOE/NNSA facilities for work that is not directly funded by DOE/NNSA appropriations consistent with the requirements of this Order.

- g. Technology Transfer Coordinator. Principal advisor to the Secretary on all matters relating to technology transfer and commercialization. This office was created under Title X, section 1001 of the *Energy Policy Act of 2005*.
 - h. Technology Transfer Policy Board. Board consisting of representatives of DOE Program Offices, the Office of General Counsel, and other parts of DOE that, in consultation with the Technology Transfer Coordinator, develop DOE policy on technology transfer.
8. CONTACT: For information about this Order, contact the Office of Contract and Financial Assistance Policy at (301) 704-6849

BY ORDER OF THE DEPUTY SECRETARY OF ENERGY:



JAMES P. DANLY
Deputy Secretary

ATTACHMENT 1
CONTRACTOR REQUIREMENTS DOCUMENT
DOE O 481.2, *DOE NON-FEDERAL STRATEGIC PARTNERSHIP PROJECTS*

Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this Contractor Requirements Document (CRD). The contractor is responsible for flowing down the requirements of this CRD to subcontractors at any tier to the extent necessary to ensure the contractor's compliance with the requirements.

Applicability.

DOE Contractors. The contractor requirements of this Order shall be incorporated into applicable contracts, including Management and Operating contracts. Contractors shall comply with the requirements of applicable federal, state, and local laws and regulations in carrying out the requirements of this Order unless relief has been granted in writing. Omission of any applicable law or regulation from the Order does not affect the obligation of the contractor to comply with such law or regulation. Contractors must comply with the requirements of this Order, except to the extent modified by the equivalencies or exemptions identified herein or issued to the contractor in writing by the Department of Energy (DOE) utilizing the process outlined in DOE Order (O) 251.1E, including as amended or updated. Compliance with the requirements of this Order as incorporated into the contract shall be evaluated in conjunction with any guidance, letters, or other written direction issued to the contractor by DOE.

Responsibilities.

Contracting Officer. For all applicable contracts and upon notification that a site/facility management contract is affected by this order, the Contracting Officer(s) shall incorporate the requirements into the affected contract(s) via the "Laws, Regulations, and DOE Directives" clause of the contract, or through negotiation and modification, as appropriate.

Liability and Indemnification Management.

The contractor must manage liability risks associated with strategic partnership projects with non-federal entities activities. Unless an exception is documented and approved by the Contracting Officer, the contractor shall ensure that agreements include provisions requiring the non-federal party to indemnify the government and the contractor against general and product liability claims arising from the agreement.

The contractor is authorized to negotiate or reserve indemnification provisions based on a risk assessment that considers factors such as:

1. The sponsor's legal inability to indemnify (e.g., a U.S. state agency); or
2. The non-commercial, public domain nature of the work.

Any deviation (e.g., other factors that present a low risk to the contractor and the government) from standard indemnification, especially when liability could revert to the contractor, requires specific documented approval from the Contracting Officer, with concurrence from Field Counsel, which may be included in an master statement of work or delegated authority.