

Headquarters Policy Flash

FLASH 2000-25

DATE: September 19, 2000
TO: Procurement Directors
FROM: Office of Procurement and Assistance Policy, MA-51
Office of Procurement and Assistance Management

SUBJECT: Procurement Policy Website Updates

SUMMARY: As we discussed during the recent Procurement Director's Conference call, we are finalizing the update of several of the pages on our Procurement Policy Website (the DEAR, the Acquisition Guide, and the M&O Contract Clause Matrix). While some of the material has already been updated, we anticipate all three pages to be fully updated by September 30, 2000. Specifics about the updates are discussed below.

FLASH 2000-25

The following are the website addresses for these documents.

DEAR - <http://www.pr.doe.gov/dear.html>

Acquisition Guide - <http://www.pr.doe.gov/acqguide.html>

M&O Clause Matrix - <http://www.pr.doe.gov/pr6.html>

As always, we are interested in receiving feedback from users to assist us in improving our Website. Any comments/questions relating to the Policy Website can be directed to Kevin Smith at kevin.m.smith@pr.doe.gov or at 202-586-8189.

1. Department of Energy Acquisition Regulation On-Line

The Website version of the DEAR is the only version that we currently maintain. Up until now, the on-line format has been in *HTML*, which has proven to be difficult for editing and downloading purposes. The new format of the DEAR will be in *MS Word*, which will make retrieval, downloading, and printing much easier for users. This updated Website version also includes all final DEAR rulemakings to date.

2. DOE Acquisition Guide On-Line

The DOE Acquisition Guide is intended to provide the Department's procurement and program communities with the necessary tools to successfully accomplish their acquisition-related responsibilities. The Guide is organized with Chapters that correspond to DEAR and FAR Parts, and includes the following types of material:

- **Standard Operating Procedures** - internal Departmental procedures for procurement and program personnel to follow in performing various acquisition functions.
- **Guiding Principles** - essential objectives that, when satisfied, provide a measure of the effectiveness and efficiency of procurement systems.
- **Best Practices** - practical techniques for program and procurement personnel to follow in performing the various tasks of their acquisition duties.
- **Samples and Models** - of forms and other useful documentation.

The Acquisition Guide also serves as a permanent repository for general information that is useful to the acquisition community, and may include information that was originally issued through other means, such as DOE Acquisition Letters.

FLASH 2000-25

Please note: The DOE Acquisition Guide will no longer be published in a printed version, but will continue to be maintained on the Policy Website. Users can access the files on the Website to download and print material as needed. The new sections/revisions to the Guide include:

▶ Chapter 1- *Acquisition Regulations System*

This chapter is being revised to update the guidance on the FAR/DEAR deviation process to conform with guidance contained in Acquisition Letter 99-05, and to update the coverage addressing DOE O 541.1, Appointment of Contracting Officers and Contracting Officer Representatives (COR). New guidance is provided for the appointment of non-Government personnel as CORs under limited circumstances, and a sample COR designation letter is now included in this chapter.

▶ Chapter 9 - *Performance Guarantees*

This new chapter provides a sample Performance Guarantee Agreement in accordance with DEAR 909.104-3 and 970.0902. It was formerly included in canceled Acquisition Letter 98-05R.

▶ Chapter 26 - *EPACT Cost Sharing Requirements*

This new chapter provides implementation guidance on sections 3001 and 3002 of the Energy Policy Act, (EPAct) 42 U.S.C. 13542 for acquisition awards. This topic was formerly addressed in canceled Acquisition Letter 96-04.

▶ Chapter 33 - *Alternative Dispute Resolution*

This new chapter provides guidance for the use of alternative dispute resolution techniques in connection with disputes that arise under the Contract Disputes Act (CCDA) of 1978, U.S.C. sections 601-613. This topic was formerly addressed in canceled Acquisition Letter 94-22R.

▶ Chapter 42 - *Novation Agreements*

This new chapter provides a comprehensive model novation agreement that covers more aspects of novation agreements found in the FAR.

▶ Chapter 47 - *Air Charter Services*

This new chapter provides guidance on the Department's process for procuring air charter services. This topic was formerly addressed in canceled Acquisition Letter 96-08.

FLASH 2000-25

▶ Chapter 52 - *Model Local Clauses*

This new chapter provides guidance on the use of local clauses in DOE solicitations and contracts, and provides model local clauses that Contracting Officers may use when drafting their solicitations and contracts. This guidance is currently included in Acquisition Letter 99-05.

▶ Chapter 70 - *Contract Administration*

This new chapter incorporates into the Acquisition Guide an Appendix to contain a consolidated Department-wide reference tool for Contracting Officers, Contract Specialists, and others involved in the day-to-day contract administration functions for the Department's performance-based management contracts (PBMC).

▶ Chapter 70 - *Performance-Based Contracting*

This new chapter incorporates into the Acquisition Guide an Appendix to contain guidance and instruction for the development and administration of Performance-Based Contracting concepts for the Department's management and operating contracts, and other major operating contracts, as appropriate. This topic was formerly addressed in several canceled Acquisition Letters, including 95-04, 97-08, 97-09, and 98-08.

▶ Chapter 71 - *Performance-Based Incentives and Related Approvals*

This new chapter provides guidance and instruction concerning Headquarters review and approval of:

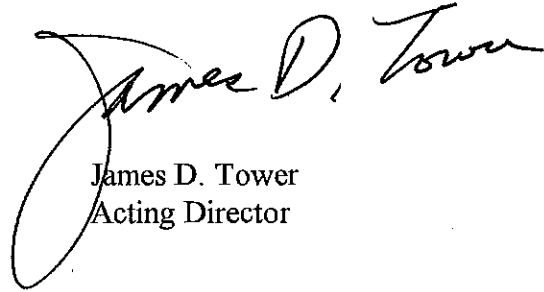
- (i) fee and incentive structures for Performance-Based Management Contracts (PBMCs) and Management and Integration (M&I) contracts;
- (ii) acquisition plans, solicitations, and contracts for Department of Energy privatization projects funded by the Office of Environmental Management;
- (iii) general requirements for formal administrative processes and procedures at each contracting activity relating to performance-based incentives; and,
- (iv) requirements pertaining to Heads of Contracting Activity (HCA) waiver requests from Headquarters performance-based incentive approvals.

These review processes were formerly addressed in canceled Acquisition Letters 97-06 and 97-08.

FLASH 2000-25

3. Management and Operating Contract Clause Matrix On-Line

This matrix identifies clauses, prescribed in FAR Part 52 and DEAR Parts 952 and 970, which are to be used in DOE's M&O contracts. The matrix has been updated to incorporate all DEAR final rulemakings to date.



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cc:
PPAG Members