



Department of Energy  
Acquisition Regulation

No. AL-2000-04R  
Date 09/21/00

# ACQUISITION LETTER

**Subject:** DOE Administrative Class Deviation, 952.247-70, Foreign Travel,  
and 970.5204-52, Foreign Travel

## References:

DOE Order 551.1A  
DEAR 952.247-70  
DEAR 970.5204-52  
DEAR 970.5204-78

Official Foreign Travel  
Foreign Travel  
Foreign Travel  
Laws, Regulations, and DOE Directives

## When is this Acquisition Letter Effective?

This AL is effective ten (10) business days after the date of issuance.

## When Does this Acquisition Letter Expire?

This AL will remain in effect until superseded or canceled. A formal rulemaking will be initiated to incorporate the contents of this AL into the DEAR.

## Whom Do You Contact for More Information?

Contact Terry Sheppard of the Office of Procurement and Assistance Policy at (202) 586-8193 or [terry.sheppard@hq.doe.gov](mailto:terry.sheppard@hq.doe.gov)

Visit our website at [www.pr.doe.gov](http://www.pr.doe.gov) for information on Acquisition Letters and other policy issues.

## What is the Purpose of this Acquisition Letter?

The purpose of this AL is threefold: (1) To provide contracting officers guidance to implement the requirements contained in DOE Order 551.1A, Official Foreign Travel. The Order has made changes to the Department's procedures which in turn necessitates an administrative deviation to the existing procurement requirements set forth at DEAR 952.247-70, Foreign Travel, and DEAR 970.5204-52, Foreign Travel; (2) To cancel AL-2000-04, dated May 17, 2000, and (3) To amend the previous AL, to update the DOE Order number and the effective date of the Order.

## **What is the Background?**

On January 31, 2000, the Department published Order 551.1, Official Foreign Travel, which established the Department's requirements and responsibilities governing official foreign travel by Federal and contractor employees. The Order states that the responsible Program Secretarial Officer has final approval authority for official foreign travel funded by the office or under his or her cognizance. Further, the Order requires that requests for travel to a sensitive country or involving a sensitive subject be entered in the Foreign Travel Management System 30 days before the proposed departure date, or earlier as necessary, to receive appropriate and timely country clearance.

Procurement regulations at DEAR 952.247-70 currently require the prior approval of the contracting officer for each trip and that requests for approval be submitted at least 45 days prior to the planned departure date. There is also a clause at 970.5204-52, Foreign Travel, which directs the insertion of DEAR 952.247-70, Foreign Travel, in contracts for the operation and management of DOE site and facilities when foreign travel may be required.

With the issuance of the DOE Order 551.1A, the procedures established in the contract clauses are now inconsistent with those provided in the DOE Order. Furthermore, DEAR 970.5204-52 is no longer needed to address foreign travel, because all contract travel requirements are now contained in the Contractor Requirements Document (CRD) of DOE Order 551.1A, Official Foreign Travel, which is incorporated into contracts through DEAR 970.5204-78, Laws, Regulations, and DOE Directives.

On August 31, 2000, the Order was amended and reissued. The revisions, however, do not impact the guidance which was originally provided in this AL.

## **What Should Contracting Officers Do to Implement DOE Order 551.1A?**

Pursuant to the authority granted in Acquisition Letter 99-05; Deviations, Local Clauses, Uniform Contract Format, and Clause matrix, an administrative class deviation is hereby granted to permit: (1) deletion of DEAR 970.5204-52, Foreign Travel; and (2) replacement of the existing paragraphs (a) and (b) of 952.247-70 with the following:

DOE 952.247-70, FOREIGN TRAVEL (MARCH 2000)

Contractor foreign travel shall be conducted pursuant to the requirements contained in DOE Order 551.1A, Official Foreign Travel, or any subsequent version of this order in effect at the time of award.

(End of clause)

**AL-2000-04 (09/21/00)**

*For contracts subject to DEAR Part 970:* For new and existing awards, Contracting Officers should incorporate the CRD of DOE Order 551.1A in contracts in accordance with DEAR clause 970.5204-78, Laws, Regulations and DOE Directives. When the CRD has been incorporated into an existing contract, the clause at 970.5204-52 must be deleted from the contract.

*For contracts which are not subject to DEAR Part 970:* For new contracts, Contracting Officers should immediately use the new clause. Existing contracts should be amended to replace the text at 952.247-70 with the new clause described above.

(f) A failure of the contractor and Contracting Officer either to agree that the technical direction is within the scope of the contract or to agree upon the contract action to be taken with respect to the technical direction will be subject to the provisions of the clause entitled "Disputes."

(End of Clause)

32. Section 952.247-70 is revised to read as follows:

**952.247-70 Foreign travel.**

As prescribed in 48 CFR 947.7002, insert the following clause:

**Foreign Travel (DEC 2000)**

Contractor foreign travel shall be conducted pursuant to the requirements contained in DOE Order 551.1, Official Foreign Travel, or any subsequent version of the order in effect at the time of award.

(End of Clause)

**952.250-70 [Amended]**

33. Section 952.250-70 is amended in paragraph (h) by revising "Audit and records—negotiation", to read "Accounts, records, and inspection."

34. Section 952.251-70 is revised to read as follows:

**952.251-70 Contractor employee travel discounts.**

As prescribed in 48 CFR 951.70, insert the following clause.

**Contractor Employee Travel Discounts (DEC 2000)**

(a) The contractor shall take advantage of travel discounts offered to Federal contractor employee travelers by AMTRAK, hotels, motels, or car rental companies, when use of such discounts would result in lower overall trip costs and the discounted services are reasonably available. Vendors providing these services may require the contractor employee to furnish them a letter of identification signed by the authorized contracting officer.

(b) Contracted airlines. Contractors are not eligible for GSA contract city pair fares.

(c) Discount rail service. AMTRAK voluntarily offers discounts to Federal travelers on official business and sometimes extends those discounts to Federal contractor employees.

(d) Hotels/motels. Many lodging providers extend their discount rates for Federal employees to Federal contractor employees.

(e) Car rentals. The Military Traffic Management Command (MTMC) of the Department of Defense negotiates rate agreements with car rental companies that are available to Federal travelers on official business. Some car rental companies extend those discounts to Federal contractor employees.

(f) Obtaining travel discounts.

(1) To determine which vendors offer discounts to Government contractors, the contractor may review commercial publications such as the Official Airline

guides Official Traveler, Innovata, or National Telecommunications. The contractor may also obtain this information from GSA contract Travel Management Centers or the Department of Defense's Commercial Travel Offices.

(2) The vendor providing the service may require the Government contractor to furnish a letter signed by the contracting officer. The following illustrates a standard letter of identification.

**OFFICIAL AGENCY LETTERHEAD**

TO: Participating Vendor

SUBJECT: OFFICIAL TRAVEL OF GOVERNMENT CONTRACTOR

(FULL NAME OF TRAVELER), the bearer of this letter is an employee of (COMPANY NAME) which has a contract with this agency under Government contract (CONTRACT NUMBER). During the period of the contract (GIVE DATES), AND WITH THE APPROVAL OF THE CONTRACT VENDOR, the employee is eligible and authorized to use available travel discount rates in accordance with Government contracts and/or agreements. Government Contract City Pair fares are not available to Contractors.

SIGNATURE, Title and telephone number of Contracting Officer

35. The authority citation for Part 970 continues to read as follows:

Authority: Sec. 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201), sec. 644 of the Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*), National Nuclear Security Agency (50 U.S.C. 2401 *et seq.*)

36. Part 970 is revised to read as follows:

**PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS**

Sec.

**Subpart 970.01—Management and Operating Contract Regulatory System**

970.0100 Scope of part.

970.0103 Publication and codification.

**Subpart 970.03—Improper Business Practices and Personal Conflicts of Interest**

970.0309 Whistleblower protection of contractor employees.

970.0309-1 Applicability.

970.0370 Management controls and improvements.

970.0370-1 Policy.

970.0370-2 Contract clause.

970.0371 Conduct of employees of DOE management and operating contractors.

970.0371-1 Scope of section.

970.0371-2 Applicability.

970.0371-3 Definition.

970.0371-4 Gratuities.

970.0371-5 Use of privileged information.

970.0371-6 Incompatibility between regular duties and private interests.

970.0371-7 Outside employment of contractor employees.

970.0371-8 Employee disclosure concerning other employment services.

970.0371-9 Contract clause.

**Subpart 970.04—Administrative Matters**

970.0404 Safeguarding classified information.

970.0404-1 Definitions.

970.0404-2 General.

970.0404-3 Responsibilities of contracting officers.

970.0404-4 Solicitation provision and contract clauses.

970.0407 Contractor records retention.

970.0407-1 Applicability.

970.0407-1-1 Alternate retention schedules.

970.0407-1-2 Access to and ownership of records.

970.0407-1-3 Contract clause.

970.0470 Department of Energy Directives.

970.0470-1 General.

970.0470-2 Contract clause.

**Subpart 970.08—Required Sources of Supplies and Services**

970.0801 Excess personal property.

970.0801-1 Policy.

970.0808 Acquisition of printing.

970.0808-1 Scope of section.

970.0808-2 Policy.

970.0808-3 Contract clause.

**Subpart 970.09—Contractor Qualifications**

970.0905 Organizational conflicts of interest.

970.0970 Performance guarantees.

970.0970-1 Determination of responsibility.

970.0970-2 Solicitation provision.

**Subpart 970.11—Describing Agency Needs**

970.1100 Policy.

970.1100-1 Performance-based contracting.

970.1100-2 Additional considerations.

970.1103-4 Contract clause.

**Subpart 970.15—Contracting by Negotiation**

970.1504 Contract pricing.

970.1504-1 Price analysis

970.1504-1-1 Fees for management and operating contracts.

970.1504-1-2 Fee policy.

970.1504-1-3 Special considerations:

Laboratory management and operation.

970.1504-1-4 Types of contracts and fee arrangements.

970.1504-1-5 General considerations and techniques for determining fixed fees.

970.1504-1-6 Calculating fixed fee.

970.1504-1-7 Fee base.

970.1504-1-8 Special equipment

purchases.

970.1504-1-9 Special considerations: Cost-plus-award-fee.

970.1504-1-10 Special considerations: Fee limitations.

970.1504-1-11 Documentation.

970.1504-2 Price negotiation.

970.1504-3 Documentation.

970.1504-3-1 Cost or pricing data.

970.1504-4 Special cost or pricing areas.

970.1504-4-1 Make-or-buy plans.

970.1504-4-2 Policy.

970.1504-4-3 Requirements.

970.1504-5 Solicitation provision contract clauses.

**Subpart 970.17—Special Contracting Methods**

970.1706 Management and operating contracts.

*Also, rule deleted 970.5204-52 Clause...  
CRD will be used instead.*