



# ACQUISITION LETTER

This Acquisition Letter is issued under the authority of the Senior Procurement Executives of DOE and NNSA. It is intended for use by the procurement professionals of DOE, primarily Contracting, and other officials of DOE and NNSA that are involved in the acquisition process. Other parties are welcome to its information, but definitive interpretation of its effect on contracts, and other related procedures, if any, may only be made by DOE and NNSA Contracting Officers.

## **Subject: Implementation of the Framework for Nucleic Acid Synthesis Screening**

### **References:**

[Executive Order 14110, Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence](#)

Office of Science and Technology Policy (OSTP), [Framework for Nucleic Acid Synthesis Screening](#)

### **When is this Acquisition Letter (AL) effective?**

This AL is effective on the date issued.

### **When does this AL expire?**

This AL remains in effect until superseded or canceled.

### **Who is the intended audience for this AL?**

Contracting Officers within the Department of Energy (DOE) and the National Nuclear Security Administration (NNSA). Any reference in this guidance to DOE should be understood to include the NNSA, unless otherwise indicated.

### **Who are the points of contact?**

For DOE questions, contact the Contract and Financial Assistance Policy Division at [DOE\\_OAPMPolicy@hq.doe.gov](mailto:DOE_OAPMPolicy@hq.doe.gov).

For NNSA acquisition and financial assistance questions, contact the NNSA Office of Policy and Oversight Division, Policy & Oversight Branch (NA-PAS-111) at (505) 845-5639 or [Reina.Serino@nnsa.doe.gov](mailto:Reina.Serino@nnsa.doe.gov).

For additional information on Acquisition Letters and other issues, visit our website at <https://energy.gov/management/acquisition-letters>.

### **What is the purpose of this AL?**

The AL provides guidance to Contracting Officers regarding contracts that involve the

procurement of synthetic nucleic acids and benchtop nucleic acid synthesis equipment using federal life sciences funding.

### **What types of contracts are affected by this AL?**

This AL applies to all DOE and NNSA contracting actions, including Management & Operating contracts and Major Site and Facility contracts.

### **What is the background information?**

In October 2023, President Biden issued an [Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence](#) (“Executive Order”). In section 4.4(b), the Executive Order directs the Federal government to reduce the risks of misuse of synthetic nucleic acids and improve associated biosecurity measures. The Executive Order requires that the Office of Science and Technology Policy (OSTP) develop a framework to encourage providers of synthetic nucleic acid sequences to implement comprehensive, scalable, and verifiable synthetic nucleic acid procurement screening mechanisms.

The Executive Order further requires that all agencies that fund life sciences research establish that, as a requirement of funding, synthetic nucleic acid procurement for federally funded research is conducted through Providers or Manufacturers that adhere to the framework developed by OSTP.

The [Framework for Nucleic Acid Synthesis Screening](#) (Framework), developed by OSTP, requires that Federal funding agencies establish the requirements of the Executive Order and the resulting Framework under statutory and regulatory authorities applicable to them, such as through terms and conditions of awards.

### **What is the guidance/instructions contained in this AL?**

For all federally funded life sciences research that involve the procurement of all types of synthetic nucleic acids – including but not limited to Deoxyribonucleic acid (DNA) and Ribonucleic acid (RNA), whether single- or double- stranded, as well as whole organism genomes (e.g., viruses, bacteria), or the procurement of any benchtop equipment capable of synthesizing nucleic acids, Contracting Officers shall—

***New Awards:*** Incorporate DOE Corporate Clause, DOE-H-2088 *Implementation of the Framework for Nucleic Acid Synthesis Screening* in solicitations (and resultant contracts) issued after the effective date of this AL.

***Existing Awards:*** Initiate negotiations to modify the contract to incorporate DOE Corporate Clause, DOE-H-2088 *Implementation of the Framework for Nucleic Acid Synthesis Screening* within 30 days of the effective date of this AL.

Clause Details	
<b>Clause Number:</b> DOE-H-2088	<b>Clause Title:</b> Implementation of the Framework for Nucleic Acid Synthesis Screening (NOV 2024)
<b>Alternate Clause Number:</b> H	
<b>Clause Text: (no character limitations)</b>  <p>(a) <i>Definitions.</i></p> <p><i>Customer</i> – as defined in the <i>Framework for Nucleic Acid Synthesis Screening</i>, is the individual or entity (such as an institution) that orders or requests synthetic nucleic acids from a Provider, or that purchases nucleic acid synthesis equipment from a Manufacturer. For the purposes of this clause, the Department of Energy’s contractors and subcontractors are considered customers.</p> <p><i>Provider</i> — as defined in the <i>Framework for Nucleic Acid Synthesis Screening</i>, is an entity that synthesizes and distributes synthetic nucleic acids. Providers may provide nucleic acids to a customer or third-party vendor. A Provider is understood to be synthesizing and distributing nucleic acids as a transactional service, rather than as a research scientist collaborating with a colleague.</p> <p><i>Manufacturer</i> — as defined in the <i>Framework for Nucleic Acid Synthesis Screening</i>, is an entity that produces and distributes benchtop equipment for synthesizing nucleic acids. Manufacturers may provide equipment to a customer or third-party vendor.</p> <p>(b) <i>Requirements.</i></p> <ol style="list-style-type: none"> <li>(1) The Contractor shall obtain synthetic nucleic acids – or devices capable of synthesizing them – from Providers or Manufacturers that attest to implementing 2024 Office of Science and Technology Policy (OSTP) Framework for Nucleic Acid Synthesis Screening.</li> <li>(2) The attestation may be provided through a publicly posted statement (e.g., public website) or directly to the Contracting Officer (or contractor/subcontractor for subcontracts) by the Provider or Manufacturer.</li> </ol> <p>(c) <i>Flowdown of requirements to subcontractors.</i> The Contractor shall incorporate the substance of this clause, its terms and requirements, including this paragraph, in all subcontracts in support of the contract that may involve the procurement of synthetic nucleic acids and benchtop nucleic acid synthesis equipment.</p> <p style="text-align: right;">(End of Clause)</p>	
<b>UCF Section:</b> H	<b>Clause/Provision:</b> Select <b>Clause</b> , <b>Provision</b> , or <b>Neither</b>
<b>Local Prescription Text (Agency Specific Help):</b> Prescription: The Contracting Officer shall insert this clause in all federally funded life sciences research solicitations and awards that involve the procurement of all types of synthetic nucleic acids – including but not limited to Deoxyribonucleic acid (DNA) and Ribonucleic acid (RNA), whether single- or double- stranded, as well as whole organism genomes (e.g., viruses, bacteria), or the procurement of any benchtop equipment capable of synthesizing nucleic acids.	