

August 18, 2021

# 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 procurement professionals, primarily Contracting Officers and other officials that are involved in the acquisition process. Other parties are welcome to its information, but definitive interpretations of its effect on contracts and related procedures if any, must be made by DOE and NNSA Contracting Officers.

**Subject: STRIPES Mandatory Use Policy**

**References:**

- FAR part 1 and DEAR part 1 Federal Acquisition Regulations System
- FAR part 4 Administrative Matters
- FAR part 52.1 Instructions for Using Provisions and Clauses
- DOE Acquisition Guide (AG) Chapter 1.1 Acquisition Regulation System
- DOE AG Chapter 1.2 Head of Contracting Activity (HCA) Authority, Functions, and Responsibilities
- DOE AG Chapter 71.1 Headquarters Business Clearance Review Process

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

This AL is effective upon issuance and rescinds AL-2018-01.

**When does this AL Expire?**

This AL remains in effect until cancelled or superseded.

**Who Is the Intended Audience For this AL?**

Department of Energy (DOE) and National Nuclear Security Administration (NNSA) Heads of Contracting Activity (HCAs), Procurement Directors (PDs), and Contracting Officers (COs) are the intended audience for this letter.

**Who is the Point of Contact for this AL?**

DOE personnel may email questions to [DOE\\_OAPMPolicy@doe.gov](mailto:DOE_OAPMPolicy@doe.gov).

NNSA personnel may contact NNSA at (505) 845-4337 with questions.

## Need More Information on ALs?

Visit the website at <http://energy.gov/management/office-management/operational-management/procurement-and-acquisition/guidance-procurement> for information on ALs and other policy issues.

## What Types of Instruments Are and Are Not Affected by this AL?

This AL applies to the following unclassified acquisition instruments:

- Solicitations
- Contracts, task orders, delivery orders, purchase orders, blanket purchase agreements
- Interagency Agreements
- Federal supply orders

This AL does not apply to actions listed at FAR part 4.606(c), Reporting Data, as well as actions that do not obligate funds, e.g., sales contracts, payment-in-lieu of taxes, International Voluntary Contributions, etc. This AL also does not apply to classified solicitations or contracts. No classified material shall be created, stored, transmitted, or entered into STRIPES.

## What is the Purpose of this AL?

To provide guidance to DOE and NNSA HCAs, PDs, and COs regarding the use of STRIPES, its clause databases and templates, and how to request new DOE Corporate or Local contract clauses or provisions, or changes or exceptions to existing Corporate or Local clauses.

Requests for new clauses or provisions, and changes or exceptions to any STRIPES clauses or provisions must be reviewed and approved by local policy, PDs, and counsel, prior to being submitted, in accordance with the process to request changes outlined in this AL.

For changes to any FAR and DFAR clauses or provisions, COs must follow deviation guidance in Acquisition Guide Chapter 11, Acquisition Regulations System, which requires all deviation packages to be submitted to the Office of Acquisition Management, Office of Contract Management, Field Assistance and Oversight Division (MA-621) for review and approval.

## What is the Background Information?

STRIPES functions as the Department's contract writing, award and administration system as well as the primary document repository for these instruments, and any other required supporting documents. It is mandatory to use STRIPES for the creation of solicitations and contracts and as the primary repository for contract instruments listed above, and any required supporting documents for those instruments. STRIPES databases and templates include contract solicitation provisions and contract clauses, and must be used for the creation and administration of those DOE instruments. The STRIPES system uses the term "clause" when referencing contract solicitation provisions and contract clauses. For purposes of this AL, unless otherwise specified, the general reference to "clause(s)" is meant to include contract solicitation provisions and contract clauses.

STRIPES streamlines instrument creation and standardization from requirements officials to contracting professionals with its automated processing, uniform construct rules, and established databases and templates. As the primary repository for these instruments, STRIPES provides officials from local and headquarters offices access to contract documents to perform oversight activities.

## Contracts

STRIPES includes databases and templates for the latest Federal Acquisition Regulation (FAR), DOE Acquisition Regulation (DEAR), and Corporate and Local clauses. Corporate and Local clauses are neither prescribed by the FAR nor the DEAR.

Corporate clauses are developed by the Office of Acquisition Management (OAM) and go through an extensive development process to ensure they comply with statute, the FAR, the DEAR, and other regulations. Corporate clauses are vetted by numerous entities to include the Office of General Counsel, NNSA, and HCAs among others. Corporate clauses are used to address situations of issues on a Department-wide basis. Their consistent use promotes a common understanding between DOE and its contractors, providing efficiency and transparency in contract execution. A listing of Corporate clauses is maintained in the STRIPES library, entitled “DOE Corporate Clauses (DOEC)” and is posted in Acquisition and Financial Assistance Answers. NNSA corporate clauses are entitled “NNSA Corporate Clauses.”

Local clauses are developed and approved by field organizations, in consultation with OAM as needed, to address site-specific circumstances. Local clauses used in contracts and solicitations by field organizations must be included in STRIPES using the process outlined in this AL. Administration of Local clauses and templates is the responsibility of the field organizations.

Field organizations must review local clauses and templates annually and certify that the Local clauses are: (1) still required; and, (2) do not conflict with the current FAR, DEAR, and/or Corporate clauses. A list of all Local clauses, including any non-editable Corporate clauses, developed and approved for use in solicitations and contracts by the field organization must be included in the certification provided to the cognizant Office of Contract Management, Field Assistance and Oversight Division (MA-621) analyst annually. A list of the contract numbers that contain these clauses may also be required in the certification.

STRIPES uses templates to “select” which clauses from a particular database (e.g., FAR, DEAR, Corporate, Local) should be considered for inclusion by contract type (e.g., cost, fixed price, construction, R&O, etc.). Once a template is selected, applicable mandatory and optional clauses are listed. Additional clauses are also available in the STRIPES Clause library. COs must review the list of clauses to select the appropriate optional clauses for the specific requirement of the instrument.

## What Guidance is included in this AL?

STRIPES is the system-of-record for all DOE elements for the award and administration of DOE instruments. Use of STRIPES clauses and STRIPES templates to create contract and solicitation instruments is required. Manual compilation of clauses or reformatting of contract and solicitation instruments outside of STRIPES (checking out/checking in of STRIPES documents) is strongly discouraged. If a field organization or a CO believes a unique situation exists that requires the compiling of clauses or reformatting instruments outside of STRIPES they must contact their cognizant Office of Contract Management, Field Assistance and Oversight Division, MA-621 and request for approval. The request to check out the STRIPES instrument to manually compile or reformat must include a rationale as to why this is necessary. In addition, the cognizant analyst may be able to obtain technical assistance for the field organization to optimize the STRIPES system functionality for editing the documents within STRIPES. This request must be submitted through the local policy organization, PD and Head of the Contracting Activity. NNSA employees should submit a request through the Non-M&O Policy and Oversight Branch, Acquisition and Project Management Office (NNSA-APM-141) and the NNSA Site Point of Contact (SPOC).

The Site Point of Contact (SPOC) is the field organization's STRIPES Site Administrator. A listing can be found in the iPortal STRIPES Center under Frequently Asked Questions - [STRIPES Site Points Of Contact](#).

No classified material shall be created, stored, transmitted, or entered into STRIPES.

STRIPES is the official contract file. Therefore, the required pre- and post-award contract documentation shall be in electronic form and maintained in STRIPES as the official file. If documentation cannot be maintained in STRIPES, the STRIPES supporting document features shall be used to clearly identify and/or provide a link to the location of the file(s). HCAs and PDs should set local policies and procedures for the storage of contract file documents outside of STRIPES.

Some pre- and/or post-award documentation or information may be stored or available in other official systems and is not required to be maintained in STRIPES. Examples of these documents include: (1) contractor invoices and payment approvals found and stored in the Financial Accounting Support Tool (FAST); (2) contract data stored and available in the Federal Procurement Data System – Next Generation (FPDS-NG); and (3) Contractor Performance Assessment Reports stored in the System for Award Management (SAM).

### **Changes, Exceptions, Additions, or Deviations to Clauses in STRIPES**

STRIPES contains databases and templates for FAR, DEAR, Corporate, and Local clauses.

Requests for new Corporate or Local clauses, and changes or exceptions to any Corporate or Local clauses in STRIPES must be reviewed and approved by local policy, PD, and counsel, prior to being submitted, in accordance with the process to request changes outlined in this AL.

Changes or exceptions to FAR and DEAR clauses are considered deviations as defined in FAR 1.4. COs must follow guidance in Acquisition Guide Chapter 1.1, Acquisition Regulations System, which requires a deviation package to be submitted to the Office of Contract Management, Field Assistance and Oversight Division (MA-621), for review and approval of any changes or exceptions to FAR and DEAR clauses.

### **Changes or Exceptions to Corporate or Local Clauses**

**Editable Clauses.** COs may make changes to editable Corporate and Local clauses on an individual use basis as indicated and authorized in the clause prescription. STRIPES will indicate that the clause was revised so the reviewing and approving official is made aware that a clause was changed. COs should consult on any substantive changes to editable Corporate and Local clauses with their local policy, PD, and counsel prior to being discussed with OAM (MA-621) or used in a contract or solicitation. NNSA employees should coordinate and send their requests through NA-APM-141 and the NNSA SPOC.

**Non-editable Clauses.** COs must request changes to Corporate and Local clauses that do not have a prescription that provides that flexibility. COs must consult with their local policy, PD, and counsel on any changes to non-editable Corporate or Local clauses prior to being discussed with OAM (MA-621) or being used in a contract or solicitation. Field sites must submit change or exception requests for Corporate and Local clauses through their PD with a copy to their SPOC, and allow for sufficient review time and, if necessary, time to make changes in STRIPES. Any clause conflicts will be resolved prior to incorporation into STRIPES. Requests must be sent to the Office of Contract Management, Systems Division (MA-625) as outlined in the process below. Approved requests for changes to a non-editable Corporate clause creates a unique clause for site-specific use that must be added to STRIPES before the clause can be used. NNSA employees should coordinate and send their requests through NA-APM-141 and the NNSA SPOC.

**Business Clearance Reviews.** When an action requires Business Clearance Review (BCR) and contains changes or exceptions to non-editable Corporate or Local clause(s), the CO must identify in their BCR package which clause(s) are affected and clearly highlight the changes or exceptions made from the original clause(s) and the rationale for the changes or exceptions (See DOE AG chapter 71.1). Business Clearance will review changes or exceptions with the Office of Policy, Contract and Financial Assistance Policy Division (MA-611) and other appropriate offices to determine whether the proposed clause language or use change should be made on a department-wide basis in the STRIPES system or whether the proposed clause single case revision should be processed.

Any changes to Corporate or Local clauses that conflict with the FAR or DEAR shall be processed in accordance with Acquisition Guide Chapter 1.1, Acquisition Regulations System, as noted above.

In addition to the request to change the use or language of a non-editable Corporate or Local clause, field sites may submit requests to add a new, or delete an existing Corporate or Local clause through their PD to their SPOC.

Note: If a Corporate or Local clause pertaining to a procurement policy has either “a significant effect beyond the internal operating procedures of the agency issuing it” or “a significant cost or

administrative impact on contractors or offerors,” it may need to be published in the Federal Register pursuant to the Office of Federal Procurement Policy Act, 41 U.S.C. § 1707.

### **Mailbox and Format for Field Requests**

OAM has established a mailbox for the submission of all requests for changes or exceptions as outlined below. Requests will be reviewed by MA-611 for duplication and conformity with other clauses as well as for potential use across the Department.

For other than NNSA requests, requests are generally processed as described below. NNSA employees must send requests for changes or exceptions to Corporate or Local clauses to the NNSA SPOC in accordance with NNSA procedures.

- The SPOC submits an email request to: [HQProcurementSystems@hq.dhs.gov](mailto:HQProcurementSystems@hq.dhs.gov). The email must include:
  - A subject line indicating whether the request pertains to Corporate or Local clauses and/or templates for acquisition (ACQ);
  - A synopsis of the request on the first line of the body of the email, e.g., “Request for new Corporate clause for xxxxx” “Request for changes to xxxxx”;
  - A description of why the action (change, deletion or addition) is needed and the proposed new clause language or the redline, whichever is applicable, along with a clean copy of the new clause language;
  - An attached completed “STRIPES Clause/CM Templates” form that is found on iPortal in the STRIPES Center under “User Documentation”; and
  - An attachment showing the concurrences from local policy, PD, and counsel. Any Corporate or Local clause action requests that do not have the required local concurrences will be returned.
- MA-625 reviews the request for format and completeness and sends the request to MA-611.
- MA-611 reviews, coordinates with other offices (MA-621, GC, and other SMEs), and approves or disapproves the request as appropriate. MA-611 notifies MA-625 of its determination.
- If the request is approved, MA-625 coordinates with the STRIPES Team, as appropriate, to put the new or revised clause into the STRIPES Quality Assurance environment for testing and notifies the SPOC.
- MA-625 or the SPOC tests the new or revised clause, coordinates with the STRIPES Team, as appropriate, to fix any implementation issues and approves the release into STRIPES Production.
- MA-625 coordinates with the STRIPES Team to implement the clause change into STRIPES Production and, if it is an action to a Corporate clause, issue a STRIPES flash notifying STRIPES users of the action. If it is a Local clause action, MA-625 will notify the appropriate SPOC.
- If the request is disapproved, MA-625 will notify the SPOC and provide the reason for the denial.