

**Department of Energy
Acquisition Regulation**

**No. AL 2018-01
October 3, 2017**

**Department of Energy
Financial Assistance Regulation**

**No. FAL 2018-01
October 3, 2017**

ACQUISITION / FINANCIAL ASSISTANCE LETTER

This Acquisition Letter/Financial Assistance 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 Financial Assistance Awards, and related procedures if any, may only be made by DOE and NNSA Contracting Officers.

Subject: STRIPES Mandatory Use Policy

References:

FAR 1 and DEAR 1	Federal Acquisition Regulations System
FAR 4	Administrative Matters
FAR 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/Financial Assistance Letter (AL/FAL) effective?

This AL/FAL is effective upon issuance and rescinds AL 2015-06 and FAL 2015-04.

When does this AL/FAL Expire?

This AL/FAL remains in effect until cancelled or superseded.

Who Is the Intended Audience For this AL/FAL?

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

Who is the Point of Contact for this AL/FAL?

DOE personnel may email acquisition and financial assistance questions to DOE_OAPMPolicy@doe.gov.

NNSA personnel may contact Kenneth West at (505) 845-4337 or Kenneth.West@nnsa.doe.gov with acquisition and financial assistance questions.

Need More Information on ALs and FALs?

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.

Visit the website at <http://energy.gov/management/office-management/operational-management/financial-assistance> for information on FALs and other policy issues.

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

This AL/FAL applies to the following acquisition and financial assistance instruments:

- Unclassified solicitations
- Contracts, task orders, delivery orders, purchase orders, blanket purchase agreements
- Interagency Agreements
- Federal supply orders
- Funding Opportunity Announcements (FOAs) and other notices of funding opportunities
- Financial assistance awards (cooperative agreements and grants)
- Technology Investment Agreements and Other Transaction awards

This AL/FAL 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.

What is the Purpose of this AL/FAL?

This AL/FAL affirms the mandatory use of STRIPES and its Corporate provisions, clauses, terms and conditions (hereafter “clauses”), and templates used for the creation and administration of DOE instruments. This policy is the basis for streamlining, improving oversight, and standardizing the Department’s acquisitions.

What is the Background Information?

STRIPES functions as the Department’s acquisition and financial assistance instrument writing, award and administering system as well as the primary repository for these instruments. STRIPES streamlines instrument creation and standardization from requirements officials to contracting professionals with its automated processing, uniform construct rules, and established clause databases. As the central location for these instruments, it provides access to officials from local and headquarters offices to perform oversight activities.

Contracts

STRIPES includes clause databases for the latest Federal Acquisition Regulation (FAR), DOE Acquisition Regulation (DEAR), 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 and 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, it is entitled “DOE Corporate Clauses.” NNSA corporate clauses are entitled “NNSA Corporate Clauses.” Local clauses are developed and approved by field organizations, in consultation with OAM, to address site specific circumstances.

STRIPES uses templates to “select” which clauses from a particular clause database (e.g., FAR, DEAR, Corporate, Local) should be considered for inclusion by contract type (e.g., cost, fixed price, construction, M&O, etc.).

Financial Assistance

There are clause databases for FOAs and Financial Assistance awards. STRIPES uses templates to “select” which clauses from a particular clause database, (i.e., FOA or Awards) should be considered for inclusion in an instrument based on its type, (e.g., SF 424 – Application for Federal Assistance, Research and Related Announcements, Financial Assistance Special Terms and Conditions-All Awards, Financial Assistance-Research Awards). Additionally, STRIPES templates place the FOA terms in the appropriate sections required by the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards.

What Guidance is included in this AL/FAL?

STRIPES is the system-of-record for all DOE elements for the award and administration of DOE unclassified “instruments.” Use of clause templates to create instruments is required unless specific situations call for other methods. Manual compilation of clauses outside of STRIPES is strongly discouraged. No classified material shall be stored, transmitted, or entered into STRIPES. Required pre- and post-award documentation shall be maintained in electronic form and reside in STRIPES as the official file. Some documents are exempted from this requirement by regulation as they must be maintained in paper copy. Furthermore, some instrument information may be in other official systems and is not required to be maintained in STRIPES, for example, (1) contractor invoices and payment approvals in the Financial Accounting Support Tool (FAST); (2) contract data in the Federal Procurement Data System – Next Generation (FPDS-NG); and (3) financial assistance information in USA Spending. Additionally, Contractor Performance Assessment Reports shall not be maintained in STRIPES as they are stored in the Past Performance Information Retrieval System.

Changes to Financial Assistance Clauses for Individual Awards

Assistance instrument clauses must be located as required by the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards. Requests for exceptions will be considered by the Office of Contract Management in accordance with the requirements of 2 CFR 200.102. NNSA employees should send these requests through Non-M&O Policy and Oversight Branch, Acquisition and Project Management office (NA-APM-141) and the NNSA Site Point of Contact (SPOC).

Changes to Corporate Clauses for Individual Contracts

COs may make changes to a Corporate clause on an individual basis, but shall add “(REVISED)” after its title to identify the clause has been changed. COs should consult on any substantive changes to Corporate clauses with the Office of Contract Management, Field Assistance and Oversight Division (hereafter “Business Clearance”). NNSA employees should send their requests through NA-APM-141 and the NNSA SPOC.

A change to a Corporate clause would require a deviation when that change would make the clause conflict with the FAR or DEAR. In these instances the change shall be processed in accordance with FAR 1.4, Deviations from the FAR; and DOE AG chapter 1.1, Acquisition Regulations System.

When an action requires Business Clearance Review (BCR) and contains changes to a Corporate clause, the CO shall identify in their BCR package which Corporate clause(s) are affected and clearly highlight the changes made from the original clause(s) and the rationale for the changes. (See DOE AG chapter 71.1) Business Clearance will review changes with the Contract and Financial Assistance Policy Division (hereafter “Policy”) to determine whether the proposed clause change should be made on a department-wide basis in the STRIPES system or whether a deviation should be processed.

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.

Process to Request Permanent Changes to Corporate and Local Clauses in STRIPES

Field sites are encouraged to submit requests for additions, deletions, and revisions to Corporate and Local clauses and templates through their SPOC. All requests will be reviewed by Policy for duplication and conformity with other clauses as well as for potential use across the Department. Any clause conflicts will be resolved prior to incorporation into STRIPES. For other than NNSA requests, requests are generally processed as described below.

- SPOC submits an email to Policy at DOE_OAPMPolicy@hq.doe.gov. NNSA employees should send requests for these changes in accordance with NNSA procedures to Kenneth West at Kenneth.West@nnsa.doe.gov. The email must include:
 - A subject line indicating whether the request pertains to clauses and/or templates for financial assistance (FA) or acquisition (ACQ);
 - A synopsis of the request on the first line of the body of the email, e.g., “Request for new agency-wide FA clause for no-cost extensions”;
 - A description of why the change is needed and the proposed “from” and “to” text; and
 - A completed “STRIPES Clause CM Templates” form. The form is found on iPortal in the STRIPES Center under “User Documentation.” The form should be attached to the email.
- Policy reviews, coordinates and approves or disapproves the request as appropriate. Policy

notifies all parties of its determination. If approved, Policy will provide it to the STRIPES Functional Team at DL-CF-40StripesFunctionalTeam@hq.doe.gov.

- The Functional Team reviews the request for format and completeness and returns to Policy as necessary for corrections.
- After corrections have been made, or if no corrections are necessary, the Functional Team puts the clause into the STRIPES Quality Assurance environment and notifies Policy and the site SPOC if it is a Local clause.
- Policy or site SPOC tests the change, works with the Functional Team to fix any implementation issues and ultimately approves the release into STRIPES.
- The Functional Team implements the change into STRIPES and issues a STRIPES flash notifying users of the action. For a Local clause action, the Functional Team will notify the appropriate site SPOC.