

7.0 DELEGATIONS OF AUTHORITY RELATIVE TO M&O AND PARAMILITARY (SECURITY) CONTRACTOR ACTIVITIES

The authorities delineated in the sections below were delegated to the Manager, DOE-SR, and are redelegated as identified. When circumstances are not specifically covered below, the authorities are retained with the Manager, DOE-SR, or DOE-HQ. The delegations include the reference from where the authority originated and authorize redelegations where appropriate. All delegations of authority, including authorized redelegations, should be committed to writing with copies provided to the Office of the Manager and the Director, HRMDD. Functions may be delegated but never the responsibility for the outcomes of that function. The Manager, DOE-SR, reserves the right to exercise any authority delegated whenever the Manager's judgment of such authority is necessary or appropriate to administer the functions of the position.

7.1 DIRECTING CONTRACTOR PERFORMANCE

7.1.1 Consistent with Article H.29, Performance/Technical Direction, of the DOE-SR M&O Contract Number DE-AC09-96SR18500, the Manager, DOE-SR, as the Contracting Officer (CO), and other duly appointed COs, are the only employees authorized to provide direction to the contractor which changes the scope of work, increases or decreases the overall cost of the contract, modifies performance incentives, or establishes work priorities.

7.1.2 The Deputy Managers and AMs within their respective area(s) of responsibility, as appropriate, are delegated the authority to direct the performance of work by the M&O contractor, within the limits of the authorities set forth in the letter appointing these individuals as Contracting Officer Representatives (COR). NNSA-SRS poses its own CO authority and has appointed separate NNSA-SRS CORs. Performance Direction must be provided in writing, within the scope of the contract, and not result in an overall increased cost to the contract, fee, time required for contract performance, or interfere with the contractor's right to perform work under the terms and conditions of the contract. To ensure Performance Direction to the contractor does not unknowingly result in an increase in the cost to the Government, each letter, memorandum, or other written Performance Direction issued by other than a CO must contain the following disclaimer:

“The action taken herein is considered to be within the scope of work of the existing contract and does not authorize the Contractor to incur any additional costs (either direct or indirect) or delay delivery to the Government. If the Contractor considers that carrying out this action will increase contract costs or delay any delivery, the Contractor shall promptly notify the Contracting Officer orally, confirming and explaining the notification in writing within five (5) working days. Following submission of the written notice of impacts, the Contractor shall await further direction from the Contracting Officer.”

No official letters may be issued to the contractor other than by the CO or CORs.

- 7.1.3 The Manager, DOE-SR, (or other CO) is authorized to approve the Wackenhut Services, Incorporated (WSI) Annual Operating Plan (AOP) consistent with the DOE Approved Funding Plan and to approve changes to the AOP that increases the total costs of the plan. The Director, OSSES, is authorized to approve changes to the AOP submitted by WSI provided there is no resulting overall increase in the total AOP costs associated with the safeguards and security programs. Changes in the AOP submitted by WSI and affecting costs associated with other DOE-SR programs must receive the concurrence of the appropriate AM/Chief Counsel/Office Directors prior to final approval by the Director, OSSES.
- 7.1.4 Federal Project Managers (FPMs) serve as single points of contact between Federal and contractor staff for all matters relating to projects and their execution. Formal direction to the contractor, however, shall be made by a duly appointed COR or Contracting Officer. FPMs perform the duties and responsibilities as outlined in the applicable project execution plan.

7.2 CHANGE CONTROL AUTHORITY

The following elements of the EM Cleanup Project are subject to configuration management by HQ-EM: EM PMP, end state/end points, performance metrics, performance based incentives, annual baseline cost, life cycle cost, project structure, and WIPP transportation baseline. Changes that exceed HQ-EM established thresholds for each of the elements must be submitted to HQ-EM for approval. Administration of the HQ-EM cleanup project change control process (April 26, 2004, DOE-SR Baseline Configuration Control Board Charter) is the responsibility of the Office of Cleanup Project Management (see Part 2, Subsection 1, Paragraph 1.9.1).

7.3 PROJECT APPROVAL

Responsible AMs and NNSA-SRS Managers are delegated authority, without power of redelegation, to authorize General Plant Project funding within limits established by DOE directives, as agreed on by the AMs and the CFO and in accordance with the DOE-SR Work Authorization and Change Control Procedure (SRM 130.2.1A).

7.4 DAVIS-BACON ACT DETERMINATIONS

The DOE-SR Labor Standards Review Board (LSRB) is delegated authority to make Davis-Bacon Act applicability determinations on work costing less than \$50,000 consistent with DOE-SR Procurement Instruction 9-18.7. The Chairman, DOE-SR LSRB, is delegated authority to make Davis-Bacon Act applicability determinations on work involving construction consistent with SRPI 9-18.7.

7.5 SCIENTIFIC AND TECHNICAL INFORMATION PROGRAMS

The DOE-SR Technical Information Officer (TIO), OSSES, is delegated authority to ensure all scientific and technical information/documents submitted by contractors and DOE personnel are properly reviewed to prohibit the release of classified and technically inaccurate information in accordance with DOE O 241.1. Once all required approval signatures have been obtained indicating scientific and technical information documents have been properly reviewed for technical accuracy and void of classified facts, the TIO is authorized to determine dissemination requirements in accordance with Public Law and DOE O 241.1. (DOE O 241.1A, 4.c)

7.6 LITIGATION AND CLAIMS

The Chief Counsel is delegated authorities reserved for the CO relating to litigation and claims other than the authority to approve final monetary settlement of litigation or approval of payment of claims. (Title 10 CFR 719.40.a and b, and Title 48 CFR 970.5228-1)

7.7 INTELLECTUAL PROPERTY

The Chief Counsel, Chief Patent Counsel, and subject matter attorneys are delegated authorities to: (1) review and respond to the Contractor's request to assert copyright; (2) review and respond to legal questions regarding Work for Others Agreements and Cooperative Research and Development Agreements (CRADAs); (3) review and respond to requests for invention disclosures and grants to take title to inventions to the contractor; (4) review and respond to requests for class waivers and confirmatory licenses; (5) review and acknowledge return of title to inventions when title is no longer wanted by the Contractor; (6) review and provide representation/guidance/direction to all parties on patent prosecution and determines if title should be conveyed to DOE and advises contractor accordingly; (7) approve assignment of rights; (8) may direct the contractor to provide confirmatory licenses to patents that have been issued to the contractor by the Patent and Trademark Office, and direct the filing of the same with the Patent and Trademark Office; (9) determine whether to grant contractor requests for extension of time in which to disclose a subject invention, to elect to retain title to a subject invention, or file a patent application; (10) review and approve publication of data in the Commerce Business Daily; (11) prosecute patent infringements; and (12) review and converse with the contractor employees regarding invention disclosures. (Title 48 CFR 970.5227-3)

7.8 SAFEGUARDS, SECURITY AND EMERGENCY SERVICES

- 7.8.1 The Director, OSSES, is delegated authority to appoint existing employees, in writing, to those security positions requiring direct written appointment by the Manager, DOE-SR. Internal OSSES memoranda shall serve to effect and terminate further delegation/appointment actions. [DOE O 470.1, 5.j and k.(1)(b)]

- 7.8.2 The Director, OSSES, is delegated authority to hear, on behalf of the Manager, DOE-SR, security and/or cyber operational issues raised and to decide for the Manager, DOE-SR, appropriate remedies. [DOE O 205.1, 5.c.(1), (6), and (7); and DOE O 470.1, 5.j]
- 7.8.3 The Director, OSSES, is delegated authority to authorize both DOE-SR (Federal Officers) and the site security contractor (Protective Force) to carry firearms and make arrests without warrant in accordance with section 161.K of the Atomic Energy Act of 1954, as amended. [DOE O 473.2, 5.h.(4)]
- 7.8.4 The Director, OSSES, is delegated authority for oversight, administration and risk acceptance relative to DOE-SR Emergency Services matters. (DOE O 151.1B, Chapter 1, 8.a and b)
- 7.8.5 The Director, OSSES, is delegated the authority of the DOE Certifying Official for the Human Reliability Program (HRP). [Title 10 CFR 712.12(a) and (g)(1)]
- 7.8.6 The Director, OSSES, is appointed the Cognizant Security Authority for NNSA-Savannah River Site Office (SV) and is delegated the authority to approve all reproduction of NNSA-SV and Tritium Facilities accountable classified removable electronic media, commit security resources, direct the allocation of security personnel, and approve security implementation plans and procedures in the accomplishment of specific work activities. (Memo, Richard Arkin, Manager, NNSA-SV to Jeffrey M. Allison, Manager, DOE-SR, dated September 2, 2004)

7.9 TRANSPORTATION AND SHIPPING DOCUMENTS

7.9.1 Government Bills of Lading

The AMWDP, or his/her appointed designee, is delegated authority to issue Government Bills of Lading. [DOE O 460.2, 5.e.(6)]

7.9.2 Invocation of Provisions of Title 49 CFR 173.7(b) for National Security Shipment

The AMWDP, or his/her appointed designee, is delegated authority to authorize contractors to invoke the provisions of Title 49 CFR 173.7(b) for National Security Shipment.

7.9.3 Requests for Shipment of Radioactive Waste Offsite

The AMWDP has the authority to approve shipping exemption request for radioactive waste to offsite DOE or commercial facilities. (Memo, September 3, 2003, Jeffrey Allison to Charles Hansen; Memo, May 23, 2003, Paul Golan to Distribution)

Kevin Smith, AMNMSP, has the authority to approve to submit requests for shipment of radioactive materials directly to EM-10 for those activities under his direction. (Memo, December 29, 2004, Jeffrey Allison to Kevin Smith; Memo May 21, 2004, Jessie Roberson to Distribution)

7.10 PROPERTY MANAGEMENT

7.10.1 Approval of Contractor Property Record Unit Catalog

The CFO is delegated, with power of redelegation, to approve new Property Record Unit Catalogs, and subsequent revisions thereto, for contractors of the SRS. [DOE Accounting Handbook, Chapter 10, 1.(e).(4)]

7.10.2 Sale of Excess and/or Salvage Government Equipment/Materials

The Director, OSS, and the Logistics and Services Team leader are delegated authority, without power of redelegation, to authorize the sale of excess equipment and/or salvage equipment and materials by the M&O contractor.

The Director, OSS, and the Logistics and Services Team Leader are delegated authority, without power of redelegation, to sell and remove salvage equipment and/or materials from SRS.

(Title 41 CFR 109-45.300.50)

7.10.3 Financial Inventory Adjustments

The Director, OSS, and the Logistics and Services Team Leader are delegated authority, without power of redelegation, to designate an official to make the findings justifying the abandonment or destruction without public notice of personal property valued at \$100,000 or less. (Title 41 CFR 109-45.902.2)

7.10.4 Transfers of Property

The Director, OSS, and the Logistics and Services Team Leader are delegated authority, without power of redelegation, to approve transfers in or out, with or without reimbursement, to DOE Offices, DOE Contractors on or offsite, financial recipients, Federal agencies, and authorized state agencies of personal property, materials, equipment, and excess, scrap, or salvage items. (Title 41 CFR 109-43.304-1.51 and Title 41 CFR 109-43.313 and 314)

7.11 SIGNING OF CONTRACT ADMINISTRATION NOTICES

The Director, OESH, is delegated authority to sign Contract Administration Notices officially transmitting DOE directives and Directive Implementation Instructions to applicable contractors.

7.12 APPROVAL OF CONTRACTOR TRAINING IMPLEMENTATION MATRICES AND REQUESTS FOR CERTIFICATION EXTENSIONS

AMs and the CFO are delegated authority, without power of redelegation, to review and approve each Training Implementation Matrix for nuclear facilities under their cognizance. [DOE 5480.20A, 7.c.(3)]

AMs and the CFO are delegated authority, without power of redelegation to approve, on a case-by-case basis, contractor requests for certification extensions. [DOE 5480.20A, 7.c.(8)]

7.13 STOP WORK AND SHUT DOWN – ENVIRONMENT, SAFETY & HEALTH

Authority is delegated by the Contracting Officer to all DOE-SR and NNSA-SRS FRs; the Deputy Managers; AMs; Director, OSSES; and NNSA-SRS Managers to stop work based upon the determination or observation of conditions which are immediately dangerous to the life or health of the workers, the public, or the environment or for any other reason determined to be in the best interests of the Government from an ES&H perspective. (DOE O 440.1A, 4.g)

7.14 CONTRACTOR WORKFORCE RESTRUCTURING APPROVAL AUTHORITY

Authority is delegated by the Secretary of Energy to the DOE Field Office Manager to approve/disapprove contractor separations of between 50 and 100 in a 12-month period. (Memo, February 4, 2002, Secretary of Energy to DOE Field Managers)