

**U.S. DEPARTMENT OF ENERGY
THOMAS JEFFERSON SITE OFFICE**

**PROCESSING DOE DIRECTIVES
INTO THE TJNAF CONTRACT**

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DOE DIRECTIVES PROCESS

1.0 PURPOSE

This procedure establishes a framework for the transmittal, review, and implementation of DOE Directives and related documents, such as Orders, Notices, Manuals, Policies and Guides, into the Thomas Jefferson National Accelerator Facility (TJNAF – Jefferson Lab) Management & Operating (M&O) contract.

2.0 SCOPE

This guide applies to TJSO personnel at Jefferson Lab (JLab).

3.0 REFERENCES

- 3.1 DOE O 251.1A, Department Directive Program
- 3.2 DOE M 251.1-1A, Departmental Directives Program Manual
- 3.3 Contract # DE-AC05-06OR-23177, Clause I.91 – LAWS, REGULATIONS, AND DOE DIRECTIVES
- 3.4 Contract # DE-AC05-06OR-23177, Clause H.15 – APPLICATION OF DOE CONTRACTOR REQUIREMENTS DOCUMENTS
- 3.5 Contract # DE-AC05-06OR-23177, Appendix E – LAWS, STATUTES, REGULATIONS, AND DOE DIRECTIVES

4.0 RESPONSIBILITIES

4.1 TJSO Manager

- Affirms compliance with prime TJNAF contract between DOE and JSA, specifically Clause I.91 entitled “LAWS, REGULATIONS AND DOE DIRECTIVES.”
- Ensures timely review and implementation of Directives are accomplished by TJSO and/or JSA/JLab, as appropriate.
- Provides guidance on Directives issues.

4.2 TJSO Contracting Officer

- Prepares and transmits the Final Directive transmittal letter to JSA/JLab.

- Prepares contract modification to the TJNAF contract updating Appendix E as necessary.
- Maintains contract modification files.

4.3 TJSO Functional Specialist

- Reviews monthly DOECAST Directives Update email and other notifications for new or revised Directives in assigned areas of responsibility.
- Reviews new or revised Directives and recommends applicability of the Directive to the Manager for incorporation into the TJNAF contract.
- Reviews JSA/JLab compliance implementation action plans to determine that they meet the requirements of the applicable Directive(s) (including the Contractor Requirements Document (CRD)) and makes recommendation to the TJSO Manager on implementation of the Directive(s) including any requested tailoring and/or exemptions.
- Verifies compliance implementation action plans are requested and received, and prepares the final DOE approval/disapproval letter as appropriate.
- Communicates with SC, ORO, TJSO and JSA/JLab in order to discuss assigned Directives and their implications.
- Prepares site specific guidance and implementation instructions to JSA/JLab when considered necessary.
- Maintains subject matter files related to the review and approval of the compliance implementation action plans.
- Monitors milestones and actions for progress relative to compliance implementation action plans. Validates Directive implementation, as appropriate.

4.4 TJSO Office Manager

- Enters commitments and due dates into the TJSO Action Tracking System and tracks status of Directive actions.
- Enters Directive determination, compliance implementation action plans and related correspondence into the TJSO document management system.
- Assigns TJSO file numbers to the compliance implementation action plans and correlating correspondence.

5.0 PROCEDURE/GUIDE

- 5.1 Procedure: Contract # DE-AC05-06OR-23177, Clause H.15 – APPLICATION OF DOE CONTRACTOR REQUIREMENTS DOCUMENTS addresses the required procedure for implementing new Directives into the DOE contract (See Appendix A).
- 5.2 Guide: Appendix B, entitled DOE DIRECTIVE PROCESS GUIDE, provides a process guide for implementing the procedure (contract clause H.15– A APPLICATION OF DOE CONTRACTOR REQUIREMENTS DOCUMENTS) to add new Directives to the contract.
- 5.3 Guide: Appendix C, entitled SAMPLE LETTER FOR FINAL DIRECTIVE TRANSMITTAL, provides a guide for TJSO transmitting new Directives to be added to the contract (under contract clause H.15 – APPLICATION OF DOE CONTRACTOR REQUIREMENTS DOCUMENTS).

6.0 RECORDS

Records related to the processing and award of a contract modification that incorporates a Directive into Appendix E of the contract shall be filed in the contract modification file. Records related to the processing and final DOE approval of the compliance implementation action plans shall be filed in the applicable TJSO file entitled Directives/Compliance Implementation Action Plans.

7.0 APPENDICES

- 7.1 Appendix A – Contract clause H.15– APPLICATION OF DOE CONTRACTOR REQUIREMENTS DOCUMENTS
- 7.2 Appendix B – DOE DIRECTIVES PROCESS GUIDE
- 7.3 Appendix C – SAMPLE LETTER FOR FINAL DIRECTIVE TRANSMITTAL

APPENDIX A

CONTRACT CLAUSE H.15

H.15 Application of DOE Contractor Requirements Documents

- (a) Performance: The Contractor shall perform the work of this Contract in accordance with each of the Contractor Requirements Documents (CRDs) appended to this contract as Section J, Appendix E, until such time as the Contracting Officer approves the substitution of an alternative procedure, standard, system of oversight, or assessment mechanism resulting from the process described below.
- (b) Laws and Regulations Excepted: The process described in this clause shall not affect the application of otherwise applicable laws and regulations of the United States, including regulations of the Department of Energy.
- (c) Deviation Processes in Existing Orders: This clause does not preclude the use of deviation processes provided for in existing DOE directives.
- (d) Proposal of Alternative: The Laboratory Director may, at any time during performance of this contract, propose an alternative procedure, standard, system of oversight, or assessment mechanism to the requirements in a listed CRD by submitting to the Contracting Officer a signed proposal describing the nature and scope of the alternative procedure, standard, system of oversight, or assessment mechanism (alternative), the anticipated benefits, including any cost benefits, to be realized by the Contractor in performance under the contract, and a schedule for implementation of the alternate. In addition, the Contractor shall include an assurance signed by the Laboratory Director that the revised alternative is an adequate and efficient means to meet the objectives underlying the CRD. Upon request, the Contractor shall promptly provide the Contracting Officer any additional information that will aid in evaluating the Contractor's proposal.
- (e) Action of the Contracting Officer: The Contracting Officer shall within sixty (60) days:
 - (1) deny application of the proposed alternative;
 - (2) approve the proposed alternative, with conditions or revisions;
 - (3) approve the proposed alternative; or
 - (4) provide a date by which a decision will be made (not to exceed an additional 60 days).
- (f) Implementation and Evaluation of Performance: Upon approval in accordance with (e)(2) or (e)(3) above, the Contractor shall implement the alternative. In the case of a conditional approval under (e)(2) above, the Contractor shall provide the Contracting Officer with an assurance statement, signed by the Laboratory Director, that the revised alternative is an adequate and efficient means to meet the objectives underlying the CRD. Additionally, the statement shall describe any changes to the schedule for implementation. The Contractor shall then implement the revised alternative. DOE will evaluate performance of the approved alternative from the date scheduled by the Contractor for implementation.

- (g) Application of Additional or Modified CRDs. During performance of the contract, the Contracting Officer may notify the Contractor that he or she intends to unilaterally add CRDs not listed in Appendix E or modifications to listed CRDs. Upon receipt of that notice, the Contractor, within thirty (30) calendar days, may, in accordance with paragraph (d) of this clause, propose an alternative procedure, standard, system of oversight, or assessment mechanism. The resolution of such a proposal shall be in accordance with the process set out in paragraphs (e) and (f) of this clause. If an alternative proposal is not submitted by the Contractor within the thirty (30) calendar day period, or, if made, is denied by the Contracting Officer under paragraph (e), the Contracting Officer may unilaterally add the CRD or modification to Appendix E. The Contractor and the Contractor Officer shall identify and, if appropriate, agree to any changes to other contract terms and conditions, including cost and schedule, resulting from the addition of the CRD or modification.

- (h) Annual Certification. On an annual basis, the Contractor through an officer at a level above the Laboratory Director shall submit a certification to the Contracting Officer that the system of management controls, including all systems revised in accordance with this clause, is adequate to assure that the objectives of the system are being accomplished and that the system and controls are effective and efficient.

- (i) Deficiency and Remedial Action. If, during performance of this contract, the Contracting Officer determines that an alternative procedure, standard, system of oversight, or assessment mechanism adopted through the operation of this clause is not satisfactory, the Contracting Officer may, in his or her sole discretion, determine that corrective action is necessary and require the Contractor to prepare a corrective action plan for the Contracting Officer's approval. If the Contracting Officer is not satisfied with the corrective action taken, the Contracting Officer may direct corrective action to remedy the deficiency, including, if appropriate, the reinstatement of the CRD.

APPENDIX B

DOE DIRECTIVES PROCESS GUIDE

- TJSO functional specialist identifies Directive(s) as a potential requirement to be added to the contract through a review of monthly DOECAST Directives Update and other means.
- TJSO functional specialist forwards recommendation to TJSO Manager for determination. TJSO Manager informs TJSO Contracting Officer and TJSO functional specialist of his/her determination to include the Directive(s) into the contract.
- TJSO functional specialist informs JSA/JLab functional specialist counterpart of TJSO's determination.
- TJSO Contracting Officer issues Final Directive transmittal letter (see Appendix C exhibit of this Guide). TJSO letter requires JSA/JLab to make a determination and respond within 30 calendar days. If no exception, the Directive(s) shall be applicable and will be incorporated into the contract within 30 calendar days of receipt of TJSO Final Directive transmittal letter. TJSO Final Directive transmittal letter requires a Laboratory response in the section entitled "LABORATORY RESPONSE."
- The JSA/JLab response is due within 30 calendar days of the date of the TJSO Final Directive transmittal letter and requires JSA/JLab to place an "X" in the appropriate response and return one signed copy to TJSO. JSA/JLab options are as follows:
 - Option 1: JSA/JLab is already in compliance.
 - Option 2: JSA/JLab will submit within 30 calendar days of its response a compliance implementation action plan, with supporting analysis, for immediate implementation which includes:
 - Programmatic and operational impact within the Laboratory.
 - Additional resources needed to meet full compliance.
 - Commitment dates for full and/or partial compliance.
 - Option 3: JSA/JLab believes the Directive(s) is not applicable or should be modified in its application. Rationale to support this conclusion will be provided within 30 calendar days of its response.
- Note: After the 30th day of the applicable TJSO's Final Directive transmittal letter, DOE has a unilateral right to issue a contract modification to incorporate the Directive(s) in Appendix B, List B.

LABORATORY RESPONSE – Next steps are as follows:

- Option 1 - *JSA/JLab's response to the TJSO Final Directive transmittal letter is that they are already in compliance with the Directive: No further action required by the TJSO functional specialist with the exception that he/she validates implementation, as appropriate.*
- Option 2 - *JSA/JLab's response to the TJSO Final Directive transmittal letter is that they will submit a compliance implementation action plan for immediate implementation:*
 - JSA/JLab is required to submit a compliance implementation action plan within 30 calendar days from the date that JSA/JLab certifies in the "Laboratory Response" section of the applicable TJSO Final Directive transmittal letter that includes the following:
 - Programmatic and operational impact within the Laboratory.
 - Additional resources needed to meet full compliance.
 - Commitment dates for full and/or partial compliance.
 - TJSO functional specialist evaluates the compliance implementation action plan, resolves issues and seeks TJSO management approval of the Plan. TJSO functional specialist is responsible for working all issues related to the compliance implementation action plan in order to receive TJSO management approval.
 - Within 30 calendar days from the date JSA/JLab provides their compliance implementation action plan to TJSO, DOE issues a letter to JSA/JLab transmitting DOE's approval/determination of the Plan.
 - Once the compliance implementation action plan is approved, JSA/JLab enters key implementation milestones in its Corrective Action Tracking System. The TJSO functional specialist is responsible for monitoring milestones and tracking actions related to the compliance implementation action plan and validates implementation, as appropriate.
- Option 3 - *JSA/JLab proposes an alternate proposal (an alternative procedure, standard, system of oversight, or assessment mechanism to the requirements listed in the CRD):*
 - JSA/JLab is required to submit a signed proposal within 30 calendar days from the date that JSA/JLab certifies in the "Laboratory Response" section of the applicable TJSO Final Directive transmittal letter that includes the following:
 - Describes the nature and scope of the alternative procedure, standard, system of oversight, or assessment mechanism (alternative), the anticipated benefits, including any cost benefits, to be realized by JSA/JLab in performance under the contract, and a schedule for implementation of the alternative.
 - An assurance signed by the Laboratory Director that the alternate proposal is an adequate and efficient means to meet objectives underlying the CRD.

- Any additional information that will aid TJSO in evaluating JSA/JLab's proposal.
- TJSO functional specialist evaluates the proposed alternative proposal, resolves issues and seeks TJSO management approval/determination. TJSO functional specialist is responsible for working all issues related to the proposed alternative proposal in order to receive TJSO management approval.
- Within 60 days from the date JSA/JLab provides their proposed alternative proposal, DOE issues a letter to JSA/JLab concerning DOE's decision. Options are as follows:
 - Deny the application of the proposed alternative and request JSA/JLab to submit within 30 calendar days, a compliance implementation action plan (Note that DOE has a unilateral right to issue a contract modification to incorporate the directive(s) in Appendix B, List B at this point – *follow the steps under Option 2 that deals with processing the compliance implementation action plan for next steps*);
 - Approve the proposed alternative proposal with conditions or revisions;
 - Approve the proposed alternative; or
 - Provide a date by which a decision will be made (not to exceed an additional 60 calendar days).
- If the alternative proposal is conditionally approved, JSA/JLab shall provide the following prior to implementation:
 - An assurance statement, signed by the Laboratory Director that the revised alternate is an adequate and efficient means to meet objectives underlying the CRD.
 - Describe any changes to the schedule for implementation.
- JSA/JLab shall then implement the approved alternative. DOE will evaluate performance of the approved alternative from the date scheduled by JSA/JLab for implementation.
- JSA/JLab enters key implementation milestones into the applicable tracking system. TJSO functional specialist is responsible for monitoring milestones and tracking actions related to the alternate proposal and validates implementation, as appropriate.

APPENDIX C

SAMPLE LETTER FOR FINAL DIRECTIVE TRANSMITTAL

Dr. Christoph W. Leemann
President and Laboratory Director
Jefferson Science Associates, LLC
Thomas Jefferson National Accelerator Facility
12000 Jefferson Avenue
Newport News, VA 23606

Dear Dr. Leemann:

SUBJECT: DOE ORDER (*number*) ENTITLED, “(*title*)”, DATED (*date*)

In accordance with Clause I.91 – LAWS, REGULATIONS AND DOE DIRECTIVES and Clause H.15 – APPLICATION OF DOE CONTRACTOR REQUIREMENTS DOCUMENTS of the Prime Contract DE-AC05-06OR23177, the subject final Directive is considered to be applicable to this Contract, and is available at <http://www.directives.doe.gov> for your implementation in accordance with the Prime Contract. Please note that other DOE Directives or portions of Directives may have been canceled by this Order.

Should no exception be taken to the subject Directive, that subject Directive shall be deemed incorporated into the Prime Contract within 30 days of receipt of this letter. Appendix E, List B shall be revised periodically.

Please place an “X” in the appropriate response below and return one signed copy for our files. If you have any questions, please contact [*functional lead*], Thomas Jefferson Site Office, at extension *xxxx*.

Sincerely,

XXXXXXXXXX
Contracting Officer

cc: *TBD*.
Functional Lead, TJSO

LABORATORY RESPONSE

- The Laboratory is already in compliance.
- The Laboratory will submit within thirty (30) days (unless otherwise specified) a compliance implementation action plan, with supporting analysis, for immediate implementation of the subject directive which includes:
 - a. Programmatic and operational impact within the Laboratory.
 - b. Additional resources needed to meet full compliance.
 - c. Commitment dates for full and/or partial compliance.
- The Laboratory believes the Directive is not applicable or should be modified in its application. Rationale to support this conclusion will be provided within 30 days.

Signature: _____ Date : _____

Title: _____
Thomas Jefferson National Accelerator Facility