

**FREQUENTLY ASKED QUESTIONS ABOUT WORK FOR OTHERS (WFO)
FROM U. S. COMMERCIAL COMPANIES, NON-PROFIT ORGANIZATIONS,
UNIVERSITIES, AND STATE & LOCAL GOVERNMENTS**

As of June 7, 2013

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What is WFO?

The Department of Energy (DOE) sponsors a research and technical assistance program, called the Work For Others (WFO) program. This DOE program furnishes research and specialized technical assistance for activities that are not associated with the U.S. federal government. These organizations typically include U.S. private sector companies, both commercial and non-profit; U.S. institutes of higher learning; U.S. state and local governments; foreign companies, foreign governments; international agencies; and non-governmental organizations. This work activity includes participating in joint or cooperative research, developmental, or experimental projects. The authority for such activity comes from statutes such as the Atomic Energy Act of 1954, Energy Reorganization Act of 1974 (Public Law 93-438) and the Department of Energy Organization Act (Public Law 95-91).

What Does This Mean in Plain English?

The Department of Energy can furnish cost reimbursable scientific services in:

- Basic Research
- Applied Research
- Applied Development
- Technical Analyses or Specialized Scientific Studies
- Data Sampling/confirmation
- Prototype Development
- Objective Consultation
- Essential Engineering Design and Development
- Model Fabrication
- Manufacturing of Specialized Materials or Components
- Engineering Assessments and Technical Services

The decision criteria on what work can be done is determined by DOE if it is within the special scientific and technical capabilities of the DOE Prime Contractor that is managing and operating the DOE research facility, that is, Oak Ridge National Laboratory (ORNL).

Does DOE Do the WFO Work?

Under reimbursable work requirements, Department of Energy (DOE) furnishes administrative oversight for the requesting federal agency on the reimbursable project but does not do the detailed scientific or technical work. A DOE performance-based management and operating contractor is assigned to perform the scientific or technical work. A management and operating Contractor is a special type of contractor entity created under the authority of Federal Acquisition Regulation (FAR) 17.6 to do DOE-assigned work only.

Can I Request Information About Your Research Capabilities or Areas of Expertise?

Absolutely. We can furnish to you publicly available information, subject to the provisions in the Freedom of Information Act, the Privacy Act, and the Atomic Energy Act of 1954.

Generally speaking, we can supply your organization with White Papers, Statements of Capabilities, Scientific Abstracts, or other similar types of documents. These papers can discuss our in-depth research, scientific background, unique facilities, or specialized scientific expertise in a particular discipline or subfield.

However, in any requested document supplied to a sponsor, we can not make any formal commitment to do work for the sponsor nor furnish detailed cost information without specific DOE approval.

Do I Have to Pay for this Information?

Generally speaking, "No." Subject to internal ORNL cost limitations on time and effort, the White papers, et alia, normally are supplied free-of-charge.

If there is an existing WFO Agreement already in place, the sponsor may authorize the creation of these White papers or other documents at their cost.

If there is no WFO Agreement in place, and the proposed information needed is of particular value to the sponsor, the sponsor may agree to enter into an agreement to pay for the work

For information maintained at the DOE Office of Science and Technical Information (OSTI), there may be a charge for these documents maintained by them for public review and dissemination. Contact OSTI at <http://www.osti.gov/> or

Mailing address:

P.O. Box 62
Oak Ridge, TN 37831

Shipping address:

175 Oak Ridge Turnpike
Oak Ridge, TN 37830

OSTI Information:

Telephone: 865-576-1188 (general information)

Telephone: 865-576-8401 (documents)

Fax: 865-576-2865

What is a DOE Management and Operating Contractor?

Under Subpart 17.6 of the Federal Acquisition Regulation (FAR) dealing with Management and Operating (M&O) Contractors, DOE uses M&O contractors to perform the research or technical work. DOE competitively awards M&O contracts to manage and operate DOE facilities. These M&O contractors are financially integrated with DOE and operate under strict DOE controls and guidelines. The DOE M&O contractors, including UT-Battelle, LLC, at Oak Ridge, Tennessee, are distinct “arms-length” subsidiaries of their parent corporations and are established exclusively to perform work assigned by DOE, including work which DOE accepts from other non federal entities (e.g., private companies or a U.S. University).

A DOE M&O contractor performs a completely different role as a financially-integrated contractor of DOE. This distinction is vital to understanding the role that DOE plays in technology research and applied development for both the U.S. government and the domestic commercial sector.

DOE establishes the programmatic controls, oversight functions, customary reporting information, and general categories and procedures for the overhead cost structure for the M&O contractors. DOE approves all overhead rate categories.

What Does DOE Charge to Do this Research or Technical Work?

Consistent with U.S. government guidelines, DOE operates on a full cost recovery basis. Costs are based on identical charges levied to DOE programs, except for:

- Federal agencies that do not have a DOE waiver in place must pay a Federal Administrative Charge of 3% as a surcharge based on Section 3137 of the Strom Thurmond National Defense Authorization Act of 1999 (Public Law 105-261).
- US Small businesses, US non-profit organizations, and U.S. institutes of higher learning are statutorily exempt from the 3% surcharge.
- US State and local governments are statutorily exempt from the 3% surcharge.
- Private sector commercial companies (excluding small businesses and non-profit organizations) and foreign entities are subject to the 3% surcharge.
- Work performed for a DOE (Cost-type) contractor is exempt from the 3% surcharge.

The 3% surcharge is levied to cover DOE administrative and oversight costs.

Can You Team or Partner with Me on Responding to Competitive Solicitations?

The answer is both “Yes” and “No!” It depends on the situation and type of solicitation. Contact the Work For Others (WFO) Program Office at (865) 574-9798 for help in determining if we can partner together.

Some general restrictions for Oak Ridge National Laboratory (ORNL):

We can not participate in responding to any U.S. federal agency request for proposals (RFP) that are governed by the Competition in Contracting Act (CICA) of 1984.

We can not be in direct competition with the U.S. private sector.

We can not compete on a fixed statement of work.

We can not compete where the solicitation specifically indicates only one award will be made.

We must obtain a specific DOE approval for every partnership or teaming arrangement.

In the “Yes” category, we can be a partner (subcontractor arrangement) to:

Federal Agency *Broad Agency Announcements* (BAA or BAA type, such as NASA Research Announcements) where the federal sponsor permits this type of arrangement and where there is no fixed statement of work to compete against;

Federal Agency research, development or specialized technical services type of *grant or cooperative agreements* where the federal sponsor permits this type of arrangement and where there is no fixed statement of work to compete against;

Federal Agency *Small Business Innovation Research (SBIR)* where the federal sponsor permits this type of arrangement.

Federal Agency *Small Business Technology Transfer Research (STTR)* where the federal sponsor permits this type of arrangement.

U.S. commercial company, university, or non-profit organization that places out a private research and development or scientific assistance announcement for competitive solicitation. *The private sector announcement is similar in nature to a federal agency BAA, is open to federal agencies or federal laboratories, and has some type of peer-review process associated with the review and award process.* These private solicitations may be labeled as a “Request for Proposals” but are intrinsically different because they are not governed by CICA.

Foreign countries or foreign commercial solicitations of a research and development or scientific assistance nature. The foreign entity must be open to U.S. participation and must be willing to accept DOE intellectual property provisions and a DOE WFO arrangement for the DOE facility participating in the response. DOE Headquarters must also approve each case individually.

An U.S. State Government (or a State Government legal entity) solicitations of a research and development or scientific assistance nature. *The State Government announcement is similar in nature to a federal agency BAA, is open to federal agencies or federal laboratories, and has some type of peer-review process associated with the review and award process.* These State Government solicitations may be labeled as a “Request for Proposals” but are intrinsically different because they are not governed by CICA.

In the “No” category, these partnering arrangements will not be authorized:

U.S. federal agency Request For Proposals (RFP) or Request for Quotations (RFQ) that are governed by the Competition in Contracting Act (CICA) of 1984.

State Government or a private sector solicitation with a fixed statement of work for routine type of services, production, or services.

Foreign Government or a foreign private sector solicitation with a fixed statement of work for routine type of services, production, or services

Any DOE solicitation that does not specifically include DOE national laboratories or DOE FFRDCs.

Can You do Classified National Security Information Work?

Absolutely. If an U.S. private sector entity has work under a federal contract that is classified, then Oak Ridge National Laboratory (ORNL) can also participate in the work under a DOE-approved WFO relationship.

ORNL is dual certified by both the DOE and the Department of Defense to handle National Security Information up to Top Secret. There is available to ORNL a DOE approved Sensitive Compartmented Information Facility (SCIF). The SCIF meets the requirements of Director of Central Intelligence Directive 1/21, Manual for Physical Security Standards for SCIF, effective 30 January 1994.

The Department of Energy Oak Ridge Office (DOE-ORO) located in the Oak Ridge Federal Office Building also has the capability to handle information up to Top Secret and Restricted Data.

Do you have Commercial and Government Entity (CAGE) Codes?

Yes. The CAGE code for the Oak Ridge National Laboratory (managed and operated by UT-Battelle, LLC.) is 1PW69.

CAGE codes were known in the past as federal supply codes for manufacturers (FSCM) and federal supply codes for nonmanufacturers (FSCNM). CAGE code numbers are assigned or maintained by the Defense Logistics Information Service (DLIS) to identify commercial and government activities.

Are you Registered in the System for Award Management (SAM) Database?

Yes. UT-Battelle, LLC. (the manager and operator of Oak Ridge National Laboratory) is registered in the SAM database.

Are you Registered in the U.S. Government's Online Representations and Certifications (ORCA) Database?

Yes. UT-Battelle, LLC. (the manager and operator of Oak Ridge National Laboratory) is registered in ORCA.

What is Oak Ridge National Laboratory (ORNL)?

ORNL is the largest multi-program DOE national laboratory and a Federally Funded Research and Development Center (FFRDC) established in accordance with the Federal Acquisition Regulation Subpart 35. The Laboratory performs work for all DOE programs including Science, Energy Efficiency and Renewable Energy, Nuclear Energy Science and Technology, Nonproliferation and National Security, Fossil Energy, Environmental Management, and Defense Programs.

The Laboratory mission is to conduct basic and applied research and development (R&D) to advance scientific knowledge, the nation's energy resources, and environmental quality and to strengthen educational foundations and national economic competitiveness. DOE programs are carried out in partnership with academia, the private sector, other DOE national laboratories, the international scientific community, and other government agencies. The Laboratory also performs work consistent with the DOE mission for entities other than DOE when authorized by DOE. The DOE Contractor will advance the frontiers of science and technology through broad interdisciplinary research and development programs that answer fundamental questions, solve technical problems (locally, regionally, nationally, and internationally), and develop and apply technologies to address societal needs.

ORNL is a DOE National Laboratory, a DOE Federally Funded Research and Development Center, and a Federal Laboratory.

What is a National Laboratory?

The United States Government has established a national laboratory system with the national laboratories under the control of agencies such as the Department of Defense, DOE, Nuclear Regulatory Commission, and the National Aeronautics and Space Administration. DOE manages a major part of the nation's federally funded civilian science, technology development,

and engineering resources through 9 major multi-program laboratories, 10 single-purpose laboratories, 11 smaller special-mission laboratories, and a wide range of special technology centers critical to U.S. industry's global competitiveness.

For DOE under 42 USC 15801 (Energy Policy Act of 2005), Section 2, Definitions

(3) NATIONAL LABORATORY.—The term “National Laboratory” means any of the following laboratories owned by the Department:

- (A) Ames Laboratory.*
- (B) Argonne National Laboratory.*
- (C) Brookhaven National Laboratory.*
- (D) Fermi National Accelerator Laboratory.*
- (E) Idaho National Laboratory.*
- (F) Lawrence Berkeley National Laboratory.*
- (G) Lawrence Livermore National Laboratory.*
- (H) Los Alamos National Laboratory.*
- (I) National Energy Technology Laboratory.*
- (J) National Renewable Energy Laboratory.*
- (K) Oak Ridge National Laboratory.**
- (L) Pacific Northwest National Laboratory.*
- (M) Princeton Plasma Physics Laboratory.*
- (N) Sandia National Laboratories.*
- (O) Savannah River National Laboratory.*
- (P) Stanford Linear Accelerator Center.*
- (Q) Thomas Jefferson National Accelerator Facility.*

(4) SECRETARY.—The term “Secretary” means the Secretary of Energy.

What is a Federal Laboratory?

Under federal statute, "the terms 'Federal laboratory' and 'laboratory' have the meaning given the term 'laboratory' in section 12 (d) (2) of the Stevenson-Wydler Technology Innovation Act of 1980 [15 U.S.C. 3710a(d)(2)], except that such terms include a federally funded research and development center (FFRDC) sponsored by a Federal agency" (Source: 10 USC 2491(5)).

As extracted from 15 USC 3710a (d) (2), the term "laboratory" means -

1. a facility or group of facilities owned, leased, or otherwise used by a federal agency, a substantial purpose of which is the performance of research, development, or engineering by employees of the Federal government;
2. a group of Government-owned, contractor-operated facilities (including a weapon production facility of the Department of Energy) under a common contract, when a

substantial purpose of the contract is the performance of research and development, or the production, maintenance, testing, or dismantlement of a nuclear weapon or its components, for the Federal Government; and

3. a Government-owned, contractor-operated facility (including a weapon production facility of the Department of Energy) that is not under a common contract described in paragraph 2, and the primary purpose of which is the performance of research and development, or the production, maintenance, testing, or dismantlement of a nuclear weapon or its components, for the Federal Government, but such term does not include any facility covered by Executive Order No. 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program.

The term "*weapon production facility of the Department of Energy*" means a facility under the control or jurisdiction of the Secretary of Energy that is operated for national security purposes and is engaged in the production, maintenance, testing, or dismantlement of a nuclear weapon or its components.

The National Competitiveness Technology Transfer Act of 1989 (NCTTA) (Pub. L. 101-189) established technology transfer as a mission for Government-owned, contractor-operated laboratories, including weapons production facilities. Within the Oak Ridge Reservation, the Oak Ridge National Laboratory (ORNL) qualifies as a FFRDC and is listed as such under the national list maintained by the National Science Foundation.

What is a Federally Funded Research and Development Center (FFRDC)?

FFRDCs were first established during World War II to meet specialized or unique research and development needs that could not be readily satisfied by government personnel, due to limits on federal salaries and hiring, or by commercial contractors. Additional and expanded requirements for specialized services led to increases in the size and number of FFRDCs to a peak of 74 FFRDCs in 1969. In Fiscal Year 2007, nine federal agencies fund thirty-six FFRDCs that are operated by universities, nonprofit organizations, or industrial firms under long-term contracts.

From the Federal Acquisition Regulation Subpart 35.017:

An FFRDC meets some special long-term research or development need which cannot be met as effectively by existing in-house or contractor resources. FFRDCs enable agencies to use private sector resources to accomplish tasks that are integral to the mission and operation of the sponsoring agency. An FFRDC, in order to discharge its responsibilities to the sponsoring agency, has access, beyond that which is common to the normal contractual relationship, to Government and supplier data, including sensitive and proprietary data, and to employees and facilities. The FFRDC is required to conduct its business in a manner befitting its special relationship with the Government, to operate in the public interest with objectivity and

independence, to be free from organizational conflicts of interest, and to have full disclosure of its affairs to the sponsoring agency. It is not the Government's intent that an FFRDC use its privileged information or access to facilities to compete with the private sector. However, an FFRDC may perform work for other than the sponsoring agency under the Economy Act, or other applicable legislation, when the work is not otherwise available from the private sector.

Long-term relationships between the Government and FFRDCs are encouraged in order to provide the continuity that will attract high-quality personnel to the FFRDC. This relationship should be of a type to encourage the FFRDC to maintain currency in its field(s) of expertise, maintain its objectivity and independence, preserve its familiarity with the needs of its sponsor(s), and provide a quick response capability.

Can Someone Explain the Management of the DOE Government Facilities Located in Oak Ridge and the Role of the Contractors?

The DOE Oak Ridge Reservation (ORR) complex contains DOE technology centers and research facilities. These elements are divided into several categories.

The DOE ORNL Site Office (DOE OSO) has authority and responsibility over the Oak Ridge National Laboratory (ORNL) and the Oak Ridge Institute for Science Education (ORISE). Both ORNL and ORISE continue DOE's leadership of fundamental scientific research for energy and the Nation's largest supporter of basic research.

ORNL's scientific programs focus on materials, neutron science, energy, high-performance computing, systems biology and national security to advance the nation's energy resources, environmental quality, scientific knowledge, and contribute to science education and national economic competitiveness. The Laboratory also performs work for non-DOE sponsors when such activities complement DOE missions and address important national or international issues. ORNL is operated by UT-Battelle LLC.

The Oak Ridge Institute for Science and Education (ORISE) is a U.S. Department of Energy (DOE) institute managed by Oak Ridge Associated Universities (ORAU). ORISE addresses national needs by focusing on three core areas in support of DOE including: worker/public health and independent verification of environmental cleanup; weapons of mass destruction, national preparedness and emergency response; and science education, workforce development, and scientific review programs.

The DOE Oak Ridge Office (ORO) has oversight of the East Tennessee Technology Park within Oak Ridge and various other facilities outside the state. The DOE ORO is a diverse office supporting key missions in Science and Technology. To a lesser degree, other DOE missions are also supported in the areas of Environmental Management, Science Education, Nuclear Fuel Supply, National Security, Technology Transfer, and Economic Development. The DOE ORO also manages the Financial Service Center that supports other DOE sites/locations. The DOE ORO helps to ensure mission success by providing support in the areas of acquisition and

financial services, quality assurance, environmental compliance, nuclear safety, operations, maintenance, work planning and control, safety and health, human capital, real property and infrastructure, information management, safeguards and security, emergency management, public affairs, etc.

The DOE National Nuclear Security Administration (NNSA) Y-12 Site Office (YSO) maintains jurisdiction of the Y-12 National Security Complex (NSC). The Y-12 NSC is a premier manufacturing facility dedicated to making our nation and the world a safer place and plays a vital role in the Department of Energy's Nuclear Security Enterprise. Y-12 NSC helps ensure a safe and effective U.S. nuclear weapons deterrent. The facility also retrieves and stores nuclear materials, fuels the nation's naval reactors, and performs complementary work for other government and private-sector entities.

Within Oak Ridge, DOE-OSO has UT-Battelle, LLC under contract as a Managing and Operating (M&O) contractor as defined in FAR 17.6. UT-Battelle is charged with running the Oak Ridge National Laboratory (ORNL) under DOE prime contract # DE-AC05-00OR22725. ORNL is a

1. National Laboratory as authorized by under 42 USC 15801 (Energy Policy Act of 2005), Section 2, Definitions;
2. Federal Laboratory as defined in 15 USC 3710a(d)(2); and is a
3. Federally Funded Research and Development Center (FFRDC) as specified in FAR 35.017.

UT-Battelle, LLC, is a captive contractor to DOE and operates as a stand-alone, non-profit corporation that does not engage in any normal commercial business.

The sole purpose of UT-Battelle, LLC is to perform as an M&O contractor for DOE. The DOE includes clauses in its M&O contracts that allow DOE to assign to the M&O contractor work from outside agencies. The UT-Battelle, LLC contract has such clauses. DOE also assures in its M&O contract that UT-Battelle, LLC meets all of the provisions of the FAR, particularly with regards to organizational conflicts of interest (OCI).

The facilities that UT-Battelle, LLC manages and operates under its contract are DOE owned or leased facilities. All of the buildings, land, equipment, supplies, etc., are DOE owned (or leased) and controlled with the exception that some non-DOE equipment may be in those facilities on a limited basis but under DOE approval and control. As the facilities involved are DOE's, this arrangement mandates a close relationship between DOE and UT-Battelle, LLC as the supporting M&O contractor.

Thus, in terms of accomplishing its research and technical assistance missions, DOE considers UT-Battelle, LLC to be organic resources of DOE and does not consider work assigned by DOE under its M&O to be "contract offloading" or a "pass-through" procurement.

What Type of Contractual or Legal Arrangement Is Involved If I Want to Do Work with the DOE ORNL Contractor?

Here are some general parameters to set the stage.

Title to invention of WFO sponsor's requirement may go to sponsor under class patent waiver.

- 1 Sponsor's proprietary data will be protected.
- 2 The U.S. government retains a nonexclusive royalty-free license to any WFO invention.

Safeguards are in place to preclude organizational conflicts of interest (e.g., disclosure to WFO sponsor regarding background intellectual property).

Equipment and software funded by the sponsor belong to the sponsor, not DOE nor the DOE contractor, UT-Battelle, LLC.

DOE establishes the contract language and basic contract formats that permits ORNL to work for a non-DOE entity. Generally, our ORNL research and technical assistance to a sponsor falls into two broad agreement categories. These are:

1. Material and Services Order Form (MSOF) for Non-Research and Development (R&D) services
 - (1) There is NO \$ Limit.
 - (2) There is NO research and development intellectual property involved on the ORNL side.
 - (3) If only sponsor's proprietary information is involved, a proprietary information disclaimer can be signed and attached to the MSOF.
 - (4) A non-disclosure agreement (NDA) can be separately negotiated and signed by both parties.
2. WFO Agreement for R&D Services Involving Intellectual Property

There are eight (8) current distinct generic variants of the standard agreement that have been approved by DOE-ORO.

- (1) Standard
- (2) Task Order
- (3) Short form
- (4) State and Educational Institution
- (5) Off site
- (6) Licensee
- (7) Assignment of Intellectual Property (IP) rights by Sponsor [e.g., National Transportation Research Center]
- (8) Partial waiver [incorporates waiver/no waiver of IP, proprietary/non-proprietary rights in data, Federal/non-Federal funding alternatives in a single agreement [e.g., Raytheon].

If you want to know more about the WFO agreement process or other technology transfer mechanisms, please contact the ORNL Partnerships Directorate at 865-241-2475 or 865-574-4180 or see URL: <http://www.ornl.gov/adm/partnerships/>

Can I “Borrow” ORNL Employees to Work for My Organization?

Yes. This agreement is called a General Employee Loan Agreement (GELA).

Assuming that the ORNL employee(s) agrees to the arrangement, ORNL has a formal agreement that authorizes a specific ORNL (UT-Battelle, LLC) employee to work for a non-UT-Battelle, LLC, company or corporation.

The sponsor must agree to the terms and conditions of the GELA and pay all costs on a full cost recovery basis for the ORNL employee. The ORNL employee will work at a sponsor-designated location.

Proprietary information of both parties will be protected. All appropriate conflict of interest rules are applicable for both parties involved in the GELA.

Why Must I Pay in Advance For Any Research or Technical Work to Be Done?

With few exceptions, the Department of Energy (DOE) requires advance payments for work to be performed for sponsors who are not part of the U.S. federal government. This is common U.S. Government policy associated with, and derived from, U.S. appropriations law. Without specific Congressional approval, a federal agency can not subsidize a commercial firm, a non-profit organization, or a University, in their research and development efforts.

When advance payments are required, the following amounts are needed after final DOE approval and BEFORE start of any work.

Full funding if the work is estimated to cost \$25,000 or less.

Full funding if the work will be completed in 60 days or less (regardless of estimated total cost).

Partial monthly cash advance IF the work is estimated to cost over \$25,000 AND will take longer than 90 days to complete. After the initial partial cash advance, the next partial cash advance should be scheduled to be received so as to meet each month’s financial plan schedule.

In order to determine the partial monthly cash advance payment required, first review the following definitions:

1. In-house cost - ORNL costs including labor, services (effort) such as engineering, supplies, and associated overhead costs. These transactions do not involve third parties.

2. Outstanding commitments - Transactions with third-parties to acquire materials and/or services outside ORNL such as purchase requisitions and subcontracts. Funding must be available to cover uncosted (unpaid and unaccrued) commitments.
3. Month - The month as determined by the business calendar associated with the DOE-approved, contractor-implemented financial accounting system.

How Do I Calculate a Partial Cash Advance Amount?

The initial partial cash advance requirement for a project is the sum of the following;

estimated total cost for the current month, and
estimated in-house cost for the next month, and
estimated outstanding commitments at the end of the current month.

Second and subsequent partial cash advances will represent the sum of the next month's estimated in-house costs plus the change in outstanding commitments for the current month.

In other words, at the end of each month, there should be:

1. sufficient financial plan funding for costs to date through the current month,
2. the in-house cost estimate for the next month, and
3. the outstanding commitments at the end of the current month. (In cases where commitments will be processed after the first day of the calendar month and before that month's cash advance has been received, it will probably be necessary to budget that commitment amount a month earlier than described above.)

A project's monthly cash advance requirements can be estimated up front and included in the bilateral reimbursable agreement (contract).

How Can the ORNL Principal Investigator Help their Customers in this Advance Payment Process?

In order to avoid overruns, ORNL Principal Investigators must accurately calculate the cash advance requirements and financially manage each project based upon the approved funds in the Financial Plan.

Project work, including subcontracted efforts and any termination costs, must cease when existing Financial Plan funds are exhausted, unless a pending cash advance has been received and approved by DOE-ORO Budget. A statement to this effect should be included in the Terms and Conditions of each reimbursable agreement.

Reducing the cash advance requirement from 90 days to 30 days theoretically would tend to increase the likelihood of a work stoppage; however, current work stoppages are primarily caused by customers paying invoices late. Under this proposal, our WFO customers never receive

invoices based on costs incurred. They are only responsible for providing cash advances on an agreed schedule stipulated in the WFO agreement that will cover actual costs incurred.

Can I Get an Invoice for this Advance Payment to Satisfy My Company Finance Officers?

Yes. If the sponsor agrees to cash advances on a schedule but still needs invoices, the ORNL Office of Sponsored Research can provide an invoice to the sponsor but the sponsor must not wait on that invoice before paying on the agreed schedule.

What if I Can't Make Advance Payments on a Scheduled Basis?

If the sponsor is not agreeable to making cash advance payments on a schedule, then the default is for the sponsor to provide an advance payment equal to the highest 90-day cost and commitment period anticipated in the project.

This advance payment is actually held to cover costs until the last 90 days of the project. The ORNL Accounts Receivable will invoice the sponsor monthly for actual costs. The sponsor **MUST** pay that invoice, even though the cash advance is here, in a timely manner (30 days or less) so that there are always funds available to continue working on the project.

Are There Any Exceptions to the DOE Advance Payment Policies?

Yes. Advance payments are NOT required when:

- the work is for a U.S. state or U.S. local government whose laws prohibit the payment of advances. (Note: this must be a “law” as opposed to a “policy.”)
- the work is provided to the sponsor to fill a verified requirement of work for a DOE-funded cost-type contract; i.e., the sponsor performs work and bills DOE for that work and the sponsor does not receive payments up-front from DOE.
- the DOE management and operating contractor performing the work [e.g., Oak Ridge National Laboratory (ORNL)] provides the funding from their award or management fees, royalties, or other corporate funds. (Note: in practice meeting this requirement is difficult and rarely will ORNL senior management agree to fund someone else’s work from corporate funds.)
- Emergency situations involving the protection of life; federal lands, buildings, or equipment; law enforcement; disaster assistance; and production and maintenance of the power distribution system. [Note: DOE ORNL Site Office (OSO) must still approve in advance this waiver for no advance payment prior to the beginning of any work.]

How do I send funds to DOE?

Advance and invoice payments should be sent by one of the following methods:

1. Remittance to: UT-Battelle, LLC
ATTN: Treasury Services
1060 Commerce Park Drive
MS-6437
Oak Ridge, TN 37831-6437
2. Wire transfer to: Treasury - New York City
ABA 021030004

Please include "Treas NYC (89185369) on the receiver-info-line, and list all invoice numbers being paid on the sender-info-line.

Telephone inquiries should be addressed to Ms. Diane L. Ridge, 865-576-2895 or ridgedl@ornl.gov

What is Your Taxpayer Identification Number (TIN)?

The TIN/EIN for UT-Battelle, LLC. (which manages and operates the Oak Ridge National Laboratory) is 62-1788235.

A Taxpayer Identification Number (TIN) code is also known as a Federal Identification Number, or more commonly, Employer Identification Number (EIN). An EIN is a nine-digit number (for example, 12-3456789) assigned by the Internal Revenue Service to sole proprietors, corporations, partnerships, estates, trusts, and other entities for tax filing and reporting purposes.

Do You Do Research on Human Subjects?

Yes, under very strict review and guideline procedures approved by DOE and consistent with the U.S. government's overall most stringent standards.

While many people typically view human subject research as biomedical and clinical studies that involve humans, the definitions for human subject research is much broader than this. Areas that must be considered include:

1. Use of humans to test a device or product developed through research;
2. Use of data collected through interaction with people via a variety of communication styles (e.g., written or oral surveys) or intervention activities such as collection of bodily fluid samples or manipulation of the individual's environment;
3. Use of private information readily associated with individuals (even when the information was not collected for a specific study);
4. Use of bodily materials even if collected by someone other than the researcher; and,

5. Use of humans to evaluate an environmental alteration such as weatherization options.

It is DOE's policy that all research that falls under the above categories must be reviewed and approved by both the researcher's institution and the Institutional Review Board (IRB).

Which Rules do You follow on Human Subjects Research?

The Federal policy for protection of human subjects is called the Common Rule. In order to ensure uniform policies, this common rule was promulgated. Signatory agencies have codified the Common Rule under their own regulations. The 45 Code of Federal Regulation (CFR) 46 is where the Rule is found for the Department of Health and Human Services (DHHS) while 10 CFR 745 is where the Rule is found for the Department of Energy. Subparts under the DHHS regulations, which are also recognized by the DOE Order 443.1, Protection of Human Subjects, include protections for vulnerable populations, pregnant women, fetuses, prisoners, and children.

The ORNL Institutional Review Board (IRB) is authorized under a Multiple Protection Assurance from DHHS (M.1334). It adheres to 45 CFR 46 and 10 CFR 745 in situations in which they are more stringent.

Do You Have an U.S. Government Activity Address Code (AAC) or DOD Activity Address Code (DODAAC)?

Yes. The AAC or DODAAC is a six-position code that uniquely identifies a unit, activity or organization that has the authority to requisition and/or receive U.S. government materiel. Effective April 1, 2000, the DOE-approved Oak Ridge National Laboratory (ORNL) Agency Activity Code is 894777. For questions or assistance, please contact:

Oak Ridge National Laboratory

Ms. Cheri Cross
Group Leader, Property Management
ORNL Business Services Directorate
Phone: 865-574-6046
Fax: 865-241-4040
Email: crosscl@ornl.gov

Can You Do Independent Certifications and Representations for Government Contracts, Grants, etc?

Generally, “Yes.” Certification is subject to the conditions imposed in the DOE management and operating contract under Federal Acquisition Regulation Subpart 17.6. UT-Battelle, LLC may do stand alone representations and certifications to WFO sponsors responding to other federal agencies after reviewing the FAR or federal agency provisions being requested. Based on the DOE M&O contract, there may be some FAR provisions that can not be certified to.

UT-Battelle, is an M&O contractor dedicated DOE and is precluded from entering into any other U.S. government contracts or doing any independent commercial work. All work must be approved, authorized, and funded through DOE. To obtain the initial M&O contract, the contractor made the certification of compliance with all applicable U.S. government rules and standards.

If there are any questions on the actual Certifications and Representations made to the federal government, contact the respective DOE contracting official or the ORNL Prime Contract Administrator, Mr. Michael Fietze, at 865-576-3650 or frietzemj@ornl.gov.

Are You Authorized to Receive Military Critical Technical Data (DD Form 2345)?

Yes. The certification number for the ORNL is 0031217. The ORNL certification was assigned March 2, 2000, by the Defense Logistics Information Service. Mr. David R. Hamrin, ORNL Classification Officer, is the designated data custodian and is the official responsible for all actions involving DD 2345 certifications. He can be reached at:

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