

Section H - Special Contract Requirements

H.1 MODIFICATION AUTHORITY

Notwithstanding any of the other clauses of this contract, the CO shall be the only Individual authorized to:

- (a) Accept nonconforming work,
- (b) Waive any requirement of this contract, or
- (c) Modify any term or condition of this contract.

H.2 DOE-H-1001 Ombudsman

(a) An ombudsman has been appointed to hear and facilitate the resolution of concerns from offerors, potential offerors, and contractors during the preaward and postaward phases of this acquisition. When requested, the ombudsman will maintain strict confidentiality as to the source of the concern. The existence of the ombudsman is not to diminish the authority of the contracting officer, the Source Evaluation Board, or the selection official. Further, the ombudsman does not participate in the evaluation of proposals, the source selection process, or the adjudication of formal contract disputes. Therefore, before consulting with an ombudsman, interested parties must first address their concerns, issues, disagreements, and/or recommendations to the contracting officer for resolution.

(b) If resolution cannot be made by the contracting officer, interested parties may contact the Contracting Activity ombudsman:

Peggy L. Fuller
Office of Procurement Planning
EM-51/Forrestal Building
U.S. Department of Energy
1000 Independence Ave., SW
Washington, D.C. 20585
Phone: 202-586-7087
Fax: 202-586-9833
Email: peggy.fuller@hq.doe.gov

Concerns, issues, disagreements, and recommendations which cannot be resolved at the installation may be referred to the DOE ombudsman, Peggy L. Fuller, fax: 202-586-9833 email: peggy.fuller@hq.doe.gov. Do not contact the ombudsman to request copies of the solicitation, verify offer due date, or clarify technical requirements. Such inquiries shall be directed to the contracting officer or as specified elsewhere in this document. If this is a task or delivery order contract, the ombudsman shall review complaints from contractors and ensure they are afforded a 'fair opportunity to be considered', consistent with Section 303J(b) of the Federal Property and Administrative Services Act of 1949, as amended and the procedures of the contract.

(End of clause)

H.3 **RL-H-1002 Security Requirements**

(a) **Citizenship:** Each Contractor employee who requires authorization to have access to the Hanford Site must be a citizen of the United States or a foreign national with proper, advance RL authorization.

(b) **Employee Access:** Contractor employees must have a security escort when access to Limited and/or Protected Areas of the Hanford Site is required.

(c) **Picture Security Badges:**

(1) Each Contractor and subcontractor employee must have a picture (photo) security badge for access to any area within the Hanford Site. Picture badges are not required for visitors whose stay is for 7 days or less; in such cases, badges without photos are required. Security badges shall be worn in plain view, above the waist. Each employee must appear in person to obtain a badge. Badge applicants must provide adequate information to the issuing office to properly identify them. The "Security Badge Request Form" must be completed by the Contractor and signed in the Authorization block by the Contracting Officer or DOE designated personnel.

(2) Security badges will be valid only for the duration of a specific contract or for a 12-month period, whichever ends first.

(3) A new security badge must be obtained whenever there is a significant change in facial appearance, e.g., growth or removal of facial hair, changes resulting from surgery, etc.

(4) Each Contractor and subcontractor employee is responsible for his or her badge and for returning the badge to the issuing office whenever one of the following occurs, but in any event, before final payment:

(i) Contract work is completed;

(ii) Badge is no longer needed; and

(iii) Badge becomes void for any reason.

(5) A charge of \$500.00 will be assessed to the Contractor for each security badge not returned in accordance with the above requirement. Such charges will be deducted from payments otherwise due the Contractor.

(6) Lost security badges shall be reported to the issuing office as soon after the loss as possible.

(d) Safety and Security Orientation: Each employee of the Contractor and subcontractor must receive a safety and security orientation briefing before being issued a security badge. For visitors badging, described in paragraph (d)(1) above, a 10 minute security briefing is required. Contractor personnel shall attend Hanford General Employee Training (HGET) for tasks which require regular access to government facilities. HGET training is approximately three hours in duration. A maximum of 3 hours may be charged to the task for completion of HGET for annual renewal purposes. The charge to attend HGET is allowable under the Task Order as a direct cost associated with task performance. There is no fee for a Visitor's briefing.

(e) Prohibited Articles: The articles listed below are not permitted on the Hanford Site in any security area without a Prohibited Articles pass:

- (1) Explosives;
- (2) Dangerous weapons;
- (3) Instruments or material likely to produce substantial injury to persons or damage to persons or property;
- (4) Controlled substances (e.g., illegal drugs and associated paraphernalia but not prescription medicine); and
- (5) Any other items prohibited by law. Specific information covering prohibited items may be found under the provisions of 10 Code of Federal Regulations (CFR) 860 and 41 CFR 101-20.3.

Upon notification that an employee of the Contractor or subcontractor is found to possess or is suspected of possessing narcotics, dangerous drugs, and or controlled substances on the Hanford Site, the Company for whom the individual works shall be notified that the employee's security badge is to be returned to Safeguards and Emergency Services and the employee's worksite access is being temporarily suspended pending identification, through laboratory analysis, of the items in question.

Upon receipt of positive identification, through laboratory analysis, of narcotics, dangerous drugs, and/or controlled substances, the individual and employing company representative, if applicable, shall be informed that the individual's access to the Hanford Site has been denied for a minimum of one (1) year.

(f) Controlled Articles: Portable electronic devices, both Government- and personally-owned, capable of recording information or transmitting data (e.g., radio frequency, infrared, and/or data link electronic equipment) are not permitted

in Limited Areas, Exclusions Areas, Protected Areas, Vital Areas, Material Access Areas, without a Controlled Article pass.

(g) Incidents of Security Concern:

Ensure that all company personnel who are authorized access to classified information, sensitive unclassified information and/or SNM at other facilities are aware of the requirements and procedures for reporting security infractions or incidents.

Establish an incident management program that provides for appropriate disciplinary measures if DOE determines that company personnel have committed security infractions or incidents.

(h) Personally Identifiable Information (PII):

Ensure that actions are taken to address data breaches of PII that is collected, processed or maintained on paper records, stored and/or transmitted through DOE computer systems, and sensitive data owned by DOE that is properly stored on non-DOE computer systems.

Ensure that data breaches that involve the suspected or conformed loss of PII are immediately reported the DOE.

Ensure employees complete the Annual Privacy Training and sign the completion certificate acknowledging their responsibility for maintaining and protecting Privacy Act information prior to being authorized access to all information systems.

Ensure that employees receive training for the rules of behavior prior to accessing DOE systems.

(i) Official Use Only Information:

Ensure that documents determined to contain OUO information are marked and protected as described in DOE O 471.3, Admin Change 1.

Ensure that documents determined to no longer warrant protection as OUO have their markings removed.

Ensure that access to (a) documents marked as containing OUO information or (b) OUO information from such documents is only provided to those persons who need to know the information to perform their jobs or other DOE-authorized activities.

(End of clause)

H.4 DOE-H-1011 Department of Labor Wage Determinations

In the performance of this contract the Contractor shall comply with the requirements of the U.S. Department of Labor Wage Determination(s) For the state of Washington and 52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRE when applicable.

(End of clause)

H.5 DOE-H-1020 Options to the Contract

a) The Government may unilaterally exercise the option(s) in this contract by written notice to the Contractor within the term of the contract; provided, that the Government shall give the Contractor a preliminary written notice of its intent to exercise at least 60 days before the contract expires. The preliminary notice does not commit the Government to execute the option.

b) If the Government exercises an option, the contract shall be considered to include this option provision.

(End of clause)

H.6 DOE-H-1023 Preservation of Antiquities, Wildlife and Land Areas

(a) Federal Law provides for the protection of antiquities located on land owned or controlled by the Government. Antiquities include Indian graves or campsites, relics and artifacts. The Contractor shall control the movements of its personnel and its subcontractor's personnel at the job site to ensure that any existing antiquities discovered thereon will not be disturbed or destroyed by such personnel. It shall be the duty of the Contractor to report to the Contracting Officer the existence of any antiquities so discovered.

(b) The Contractor shall also preserve all vegetation (including wetlands) except where such vegetation must be removed for survey or construction purposes. Any removal of vegetation shall be in accordance with the terms of applicable habitat mitigation plans and permits. Furthermore, all wildlife must be protected consistent with programs approved by the Contracting Officer.

(c) Except as required by or specifically provided for in other provisions of this contract, the Contractor shall not perform any excavations, earth borrow, preparation of borrow areas, or otherwise disturb the surface soils within the job site without the prior approval of DOE or its designee.

(End of clause)

H.7 DOE-H-1026 DOE Security Requirements

- (a) Citizenship: Each Contractor employee who requires authorization to have access to the Hanford Site must be a citizen of the United States or a foreign national with proper, advance RL authorization.
- (b) Employee Access: Contractor employees will require security escort when access to Limited and/or Protected Areas of the Hanford Site is required.
- (c) Picture Security Badges:
 - (1) Each Contractor and subcontractor employee must have a picture (photo) security badge for access to any area within the Hanford Site. Picture badges are not required for visitors whose stay is for 7 days or less; in such cases, badges without photos are required. Security badges shall be worn in plain view, above the waist. Each employee must appear in person to obtain a badge. Badge applicants must provide adequate information to the issuing office to properly identify them. The "Security Badge Request Form" must be completed by the Contractor and signed in the Authorization block by the Contracting Officer or DOE designated personnel.
 - (2) Security badges will be valid only for the duration of a specific contract or for a 12-month period, whichever ends first.
 - (3) A new security badge must be obtained whenever there is a significant change in facial appearance, e.g., growth or removal of facial hair, changes resulting from surgery, etc.
 - (4) Each Contractor and subcontractor employee is responsible for his or her badge and for returning the badge to the issuing office whenever one of the following occurs, but in any event, before final payment:
 - (i) Contract work is completed;
 - (ii) Badge is no longer needed; and
 - (iii) Badge becomes void for any reason.
 - (5) A charge of \$500.00 will be assessed to the Contractor for each security badge not returned in accordance with the above requirement. Such charges will be deducted from payments otherwise due the Contractor.
 - (6) Lost security badges shall be reported to the issuing office as soon after the loss as possible.
- (d) Safety and Security Orientation: Each employee of the Contractor and subcontractor must receive a safety and security orientation briefing before being issued a security badge. For visitors badging, described in paragraph (d)(1) above, a 10 minute security briefing is required. Contractor personnel shall attend Hanford General Employee Training (HGET) for tasks which require regular access to government facilities. HGET training is approximately three hours in duration. A maximum of 3 hours may be charged to the task

for completion of HGET for annual renewal purposes. The charge to attend HGET is allowable under the Task Order as a direct cost associated with task performance. There is no fee for a Visitor's briefing.

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 - (3) Instruments or material likely to produce substantial injury to persons or damage to persons or property;
 - (4) Controlled substances (e.g., illegal drugs and associated paraphernalia but not prescription medicine); and
 - (5) Any other items prohibited by law. Specific information covering prohibited items may be found under the provisions of 10 Code of Federal Regulations (CFR) 860 and 41 CFR 101-20.3.

Upon notification that an employee of the Contractor or subcontractor is found to possess or is suspected of possessing narcotics, dangerous drugs, and or controlled substances on the Hanford Site, the Company for whom the individual works shall be notified that the employee's security badge is to be returned to Safeguards and Emergency Services and the employee's worksite access is being temporarily suspended pending identification, through laboratory analysis, of the items in question.

Upon receipt of positive identification, through laboratory analysis, of narcotics, dangerous drugs, and/or controlled substances, the individual and employing company representative, if applicable, shall be informed that the individual's access to the Hanford Site has been denied for a minimum of one (1) year.

- (f) Controlled Articles: Portable electronic devices, both Government- and personally-owned, capable of recording information or transmitting data (e.g., radio frequency, infrared, and/or data link electronic equipment) are not permitted in Limited Areas, Exclusions Areas, Protected Areas, Vital Areas, Material Access Areas, without a Controlled Article pass.

H.8 DOE-H-1026 Required Escort - Lack of Foreign Ownership, Control, or Influence (FOCI) Clearance

Until the Contractor receives a Government-issued FOCI clearance, all Contractor personnel shall be escorted at all times while within the DOE facilities by a designated individual identified by the program office.

(End of clause)

H.9 DOE-H-1048 Sustainable Acquisition under DOE Service Contracts May 2011

Pursuant to Executive Orders 13423, Strengthening Federal Environmental, Energy and Transportation Management, and 13514, Federal Leadership in Environmental, Energy, and Economic Performance, the Department of Energy is committed to managing its facilities in a manner that will promote the natural environment and protect the health and well being of its Federal employees and contractor service providers. As a service provider at a DOE facility you are urged to assist us in our efforts. Sustainable acquisition or environmentally preferable contracting has several interacting initiatives. Among the initiatives are the following:

Alternative Fueled Vehicles and Alternative Fuels
 Biobased Content Products (USDA Designated Products)
 Energy Efficient Products
 Non-Ozone Depleting Alternative Products
 Recycled Content Products (EPA Designated Products)
 Water Efficient Products (EPA WaterSense Labeled Products)

You should familiarize yourself with these information resources:

Recycled Products are described at <http://epa.gov/cpg>

Biobased Products are described at <http://www.biopreferred.gov/>

Energy efficient products are at <http://energystar.gov/products> for Energy Star products and FEMP designated products are at <http://www.eere.energy.gov/femp/procurement>

Environmentally Preferable Computers are at <http://www.epeat.net>

Non-Ozone Depleting Alternative Products at <http://www.epa.gov/ozone/strathome.html>

Water efficient plumbing fixtures at <http://epa.gov/watersense>

In the course of providing services at the DOE site, if your services necessitate the acquisition of any of these types of products, it is expected that you will acquire the sustainable, environmentally preferable models unless the product is not available competitively within a reasonable time, at a reasonable price, is not life cycle cost efficient in the case of energy consuming products, or does not meet reasonable performance standards. While there is no formal reporting, DOE prepares a sustainable acquisition annual report and you may be asked to share information for our report.

H.10 DOE-H-1051 CONSECUTIVE NUMBERING (MAY 2009)

Due to automated procedures employed in formulating this document, clauses and provisions contained within may not always be consecutively numbered.

(End of clause)

H.11 DOE-H-1068 Work Stoppage And Shutdown Authorization (July 2011)

(a) Imminent Health and Safety Hazard is a given condition or situation which, if not immediately corrected, could result in a serious injury or death, including exposure to radiation and toxic/hazardous chemicals. Imminent Danger in relation to the facility

safety envelope is a condition, situation, or proposed activity which, if not terminated, could cause, prevent mitigation of, or seriously increase the risk of (1) nuclear criticality, (2) radiation exposure, (3) fire/explosion, and/or (4) toxic hazardous chemical exposure.

(b) Work Stoppage. In the event of an Imminent Health and Safety Hazard, identified by facility line management or operators or facility health and safety personnel overseeing facility operations, or other individuals, the individual or group identifying the imminent hazard situation shall immediately take actions to eliminate or mitigate the hazard (i.e., by directing the operator/implementer of the activity or process causing the imminent hazard to stop work, or by initiating emergency response actions or other actions) to protect the health and safety of the workers and the public, and to protect U.S. Department of Energy (DOE) facilities and the environment. In the event an imminent health and safety hazard is identified, the individual or group identifying the hazard should coordinate with an appropriate Contractor official, who will direct the shutdown or other actions, as required. Such mitigating action should subsequently be coordinated with the DOE and Contractor management. The suspension or stop-work order should be promptly confirmed in writing by the Contracting Officer.

(c) Shutdown. In the event of an imminent danger in relation to the facility safety envelope or a non-Imminent Health and Safety Hazard identified by facility line managers, facility operators, health and safety personnel overseeing facility operations, or other individuals, the individual or group identifying the potential health and safety hazard may recommend facility shutdown in addition to any immediate actions needed to mitigate the situation. However, the recommendation must be coordinated with Contractor management, and the DOE Site Manager. Any written direction to suspend operations shall be issued by the Contracting Officer, pursuant to the Clause entitled, "FAR 52.242-15, Stop-Work Order."

(d) Facility Representatives. DOE personnel designated as Facility Representatives provide the technical/safety oversight of operations. The Facility Representative has the authority to "stop work," which applies to the shutdown of an entire plant, activity, or job. This stop-work authority will be used for an operation of a facility which is performing work the Facility Representative believes:

- (1) Poses an imminent danger to health and safety of workers or the public if allowed to continue;
- (2) Could adversely affect the safe operation of, or could cause serious damage to the facility if allowed to continue; or
- (3) Could result in the release of radiological or chemical hazards to the environment in excess of regulatory limits.

(e) This clause flows down to all subcontractors at all tiers. Therefore, the Contractor shall insert a clause, modified appropriately to substitute "Contractor Representatives" for "the Contracting Officer" in all subcontracts.