

Contract No. DE-AC06-97RL13184, Modification M001

PART II - CONTRACT CLAUSES  
SECTION I - CONTRACT CLAUSES

CLAUSES APPLICABLE TO THE CONSTRUCTION PHASE(S).....I-1

CLAUSES APPLICABLE TO THE SERVICE PHASE(S).....I-9

## PART II CONTRACT CLAUSES

### DOE LIST 307 — FIXED-PRICE CONSTRUCTION CONTRACTS

1. FAR 52.252-2 Clauses Incorporated by Reference (JUN 1988)  
This contract incorporates one or more clauses by reference, with the same force and effect as is they were given in full text. Upon request, the Contracting Officer will make their full text available.
2. FAR 52.202-1 Definitions, Alternate I (APR 1984)  
(OCT 1995)  
DEAR 952.202-1 [See conformed version in full text, page I-7]  
(APR 1994)
3. FAR 52.203-3 Gratuities (APR 1984)
4. FAR 52.203-5 Covenant Against Contingent Fees (APR 1984)
5. FAR 52.203-6 Restrictions on Subcontractor Sales to the Government (OCT 1995)
6. FAR 52.203-7 Anti-Kickback Procedures (JUL 1995)
7. FAR 52.203-9 Requirement for Certificate of Procurement Integrity—Modification (SEP 1995)
8. FAR 52.203-10 Price or Fee Adjustment for Illegal or Improper Activity (SEP 1990)
9. FAR 52.203-12 Limitation on Payments to Influence Certain Federal Transactions (JAN 1990)  
This clause is applicable if the price exceeds \$100,000.
10. FAR 52.204-4 Printing/Copying Double-Sided on Recycled Paper (JUN 1996)
11. DEAR 952.208-70 Printing (APR 1984)
12. FAR 52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (JUL 1995)
18. FAR 52.215-2 Audit and Records—Negotiation (AUG 1996)  
This clause applies if the contract was awarded by negotiation and the amount exceeds the simplified acquisition threshold at FAR part 13.
19. FAR 52.215-22 Price Reduction for Defective Cost or Pricing Data (OCT 1995)

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20. FAR 52.215-23 Price Reduction for Defective Cost or Pricing Data—Modifications (OCT 1995)
21. FAR 52.215-24 Subcontractor Cost or Pricing Data (OCT 1995)
22. FAR 52.215-25 Subcontractor Cost or Pricing Data—Modifications (OCT 1995)
23. FAR 52.215-27 Termination of Defined Benefit Pension Plans (MAR 1996)  
Applies to contracts requiring certification of cost or pricing data.
24. FAR 52.215-33 Order of Precedence (JAN 1986)
25. FAR 52.215-40 Notification of Ownership Changes (FEB 1995)  
This clause applies if certified cost or pricing data have been submitted or if any preaward or postaward cost determination is subject to FAR subpart 31.2.
26. FAR 52.215-42 Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data—Modification (OCT 1995)
27. FAR 52.219-8 Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns (OCT 1995)
28. FAR 52.219-9 Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (AUG 1996)
29. FAR 52.219-16 Liquidated Damages—Subcontracting Plan (OCT 1995)
30. FAR 52.222-1 Notice to the Government of Labor Disputes (APR 1984)
31. FAR 52.222-3 Convict Labor (AUG 1996)
32. FAR 52.222-4 Contract Work Hours and Safety Standards Act—Overtime Compensation (JUL 1995)
33. FAR 52.222-6 Davis-Bacon Act (FEB 1995)
34. FAR 52.222-7 Withholding of Funds (FEB 1988)
35. FAR 52.222-8 Payrolls and Basic Records (FEB 1988)
36. FAR 52.222-9 Apprentices and Trainees (FEB 1988)
37. FAR 52.222-10 Compliance with Copeland Act Requirements (FEB 1988)
38. FAR 52.222-11 Subcontracts (Labor Standards) (FEB 1988)
39. FAR 52.222-12 Contract Termination—Debarment (FEB 1988)
40. FAR 52.222-13 Compliance with Davis-Bacon and Related Act Regulations (FEB 1988)
41. FAR 52.222-14 Disputes Concerning Labor Standards (FEB 1988)
42. FAR 52.222-15 Certification of Eligibility (FEB 1988)
43. FAR 52.222-26 Equal Opportunity (APR 1984)

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44. FAR 52.222-27 Affirmative Action Compliance Requirements for Construction (APR 1984)
45. FAR 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 1984)
46. FAR 52.222-36 Affirmative Action for Handicapped Workers (APR 1984)
47. FAR 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 1988)
48. FAR 52.223-2 Clean Air and Water (APR 1984)  
This clause applies to this contract only if the price is (a) in excess of \$100,000; (b) a facility to be used has been the subject of a conviction under the applicable portion of the Air Act (42 U.S.C. 7413(c)(1)) on the Water Act (33 U.S.C. 1319(c)) and is listed by EPA as a violating facility; or (c) the acquisition is not exempt under FAR 23.104.
49. FAR 52.223-6 Drug-Free Workplace (JUL 1990)
50. FAR 52.223-14 Toxic Chemical Release Reporting (OCT 1996)
52. FAR 52.225-11 Restrictions on Certain Foreign Purchases (MAY 1992)
53. FAR 52.225-15 Buy American Act—Construction Materials Under Trade Agreements Act and North American Free Trade Agreement (JAN 1996)  
Applicable to construction contracts of \$6,500,000 or greater (\$8,000,000 or greater for power marketing administrations).
55. FAR 52.227-1 Authorization and Consent (JUL 1995)
56. FAR 52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (AUG 1996)
57. FAR 52.227-4 Patent Indemnity Construction Contracts (APR 1984)
59. FAR 52.227-14 Rights in Data—General, Alternates I and V (JUN 1987)  
This clause applies to this contract unless the clause at FAR 52.227-17 is chosen elsewhere in this contract.
60. FAR 52.227-16 Additional Data Requirements (JUN 1987)  
This clause does not apply to this contract if the contract is for the conduct of basic or applied research, as set out elsewhere in this contract, to be performed solely by a college or university, and the estimated cost is not in excess of \$500,000.
61. FAR 52.227-23 Rights to Proposal Data (Technical) (JUN 1987)
62. FAR 52.228-2 Additional Bond Security (JUN 1996)
63. FAR 52.228-5 Insurance—Work on a Government Installation (SEP 1989)  
This clause applies to this contract if any work contemplated by this contract is performed on a Federal Government installation.
64. FAR 52.228-12 Prospective Subcontractor Requests for Bonds (OCT 1995)

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65. FAR 52.229-3 Federal, State, and Local Taxes (JAN 1991)
66. FAR 52.229-5 Taxes—Contracts Performed in U.S. Possessions or Puerto Rico (APR 1984)
69. FAR 52.232-17 Interest (JUN 1996)
70. FAR 52.232-23 Assignment of Claims (JAN 1986)
73. FAR 52.233-1 Disputes (OCT 1995), Alternate I (DEC 1991)
74. FAR 52.233-3 Protest After Award (AUG 1996)
76. FAR 52.236-2 Differing Site Conditions (APR 1984)
77. FAR 52.236-3 Site Investigation and Conditions Affecting the Work (APR 1984)
78. FAR 52.236-5 Material and Workmanship (APR 1984)
79. FAR 52.236-6 Superintendence by the Contractor (APR 1984)
80. FAR 52.236-7 Permits and Responsibilities (NOV 1991)
81. FAR 52.236-8 Other Contracts (APR 1984)
82. FAR 52.236-9 Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements (APR 1984)
83. FAR 52.236-10 Operations and Storage Areas (APR 1984)
84. FAR 52.236-11 Use and Possession Prior to Completion (APR 1984)
85. FAR 52.236-12 Cleaning Up (APR 1984)
86. FAR 52.236-13 Accident Prevention (APR 1984)
90. FAR 52.242-13 Bankruptcy (JUL 1995)
91. FAR 52.242-14 Suspension of Work (APR 1984)
92. FAR 52.243-4 Changes (AUG 1987)
93. FAR 52.244-1 Subcontracts (Fixed-Price Contracts) (FEB 1995)  
This clause applies only if the price of this contract exceeds \$500,000.
94. FAR 52.244-6 Subcontracts for Commercial Items and Commercial Components (OCT 1995)
95. DEAR 952.245-2 Government Property (Fixed-Price Contracts) (DEC 1989)
96. FAR 52.246-12 Inspection of Construction (AUG 1996)
97. FAR 52.246-21 Warranty of Construction (MAR 1994)

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- 98. FAR 52.247-63 Preference for U.S.-Flag Air Carriers (APR 1984)
- 99. FAR 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels (AUG 1996)
- 102. FAR 52.249-2 Termination for Convenience of the Government (Fixed-Price) Alternate I (SEP 1996)
- 103. FAR 52.249-10 Default—Fixed-Price Construction (APR 1984)

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SECTION I  
Additional Contract Clauses  
Construction Phase(s)

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|------|---------------|---|
| 104. | FAR 52.208-1  | REQUIRED SOURCES FOR JEWEL BEARINGS AND RELATED ITEMS<br>(APR 1984) |
| 105. | FAR 52.236-14 | AVAILABILITY AND USE OF UTILITY SERVICES (APR 1984)                 |

SECTION I  
Additional Contract Clauses in Full Text  
Construction Phase(s)

FAR 52.202-1 and DEAR 952.202-1 (APR 1994) (CONFORMED)

DEFINITIONS (OCT 1995)

- (a) "Head of Agency" means the Secretary, Deputy Secretary or Under Secretary of the Department of Energy and the Chairman, Federal Energy Regulatory Commission.
- (b) "Commercial component" means any component that is a commercial item.
- (c) "Component" means an item supplied to the Federal Government as part of an end item or of another component.
- (d) "Nondevelopmental item" means-
  - (1) Any previously developed item of supply used exclusively for governmental purposes by a Federal agency, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement;
  - (2) Any item described in paragraph (e)(1) of this definition that requires only minor modification or modifications of a type customarily available in the commercial marketplace in order to meet the requirements of the procuring department or agency; or
  - (3) Any item of supply being produced that does not meet the requirements of paragraph (e)(1) or (e)(2) solely because the item is not yet in use.
- (e) "Contracting Officer" means a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the Contracting Officer acting within the limits of their authority as delegated by the Contracting Officer.
- (f) Except as otherwise provided in this contract, the term "subcontracts" includes, but is not limited to, purchase orders and changes and modifications to purchase orders under this contract.
- (g) The term "DOE" means the Department of Energy and "FERC" means the Federal Energy Regulatory Commission.

DEAR 970.5204-59

WHISTLEBLOWER PROTECTION FOR CONTRACTOR EMPLOYEES (JAN 1993)

- (a) The contractor shall comply with the requirements of the "DOE Contractor Employee Protection Program" at 10 CFR part 708 with respect to work performed on-site at a DOW-owned or -leased facility, as provided at 10 CFR part 708.

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(b) The contractor shall insert or have inserted the substance of this clause, including this paragraph (b), in subcontracts at all tiers, with respect to work performed on-site at a DOE-owned or -leased facility, as provided at 10 CFR 708.

## PART II

# Contract Clauses

## DOE List 301S — Firm-Fixed Price Service Contracts

1. FAR 52.252-2 Clauses Incorporated by Reference (JUN 1988)  
This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available.
2. FAR 52.202-1 Definitions  
(OCT 1995)  
DEAR 952.202-1 [See conformed version in full text, page I-14]  
(APR 1994)
3. FAR 52.203-3 Gratuities (APR 1984)
4. FAR 52.203-5 Covenant Against Contingent Fees (APR 1984)
5. FAR 52.203-6 Restrictions on Subcontractor Sales to the Government (OCT 1995)
6. FAR 52.203-7 Anti-Kickback Procedures (JUL 1995)
7. FAR 52.203-9 Requirement for Certificate of Procurement Integrity—Modification (SEP 1995)
8. FAR 52.203-10 Price or Fee Adjustment for Illegal or Improper Activity (SEP 1990)
9. FAR 52.203-12 Limitation on Payments to Influence Certain Federal Transactions (JAN 1990)  
This clause is applicable only if the price, including any fee, exceeds \$100,000.
10. FAR 52.204-4 Printing/Copying Double-Sided on Recycled Paper (JUN 1996)
11. DEAR 952.208-70 Printing (APR 1984)
12. FAR 52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (JUL 1995)
13. FAR 52.211-5 New Material (MAY 1995)
  
18. FAR 52.215-2 Audit and Records—Negotiation (AUG 1996)
19. FAR 52.215-22 Price Reduction for Defective Cost or Pricing Data (OCT 1995)
20. FAR 52.215-23 Price Reduction for Defective Cost or Pricing Data—Modifications (OCT 1995)

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21. FAR 52.215-24 Subcontractor Cost or Pricing Data (OCT 1995)
22. FAR 52.215-25 Subcontractor Cost or Pricing Data-Modifications (OCT 1995)
23. FAR 52.215-26 Integrity of Unit Prices (OCT 1995), Alternate I (APR 1991)  
Alternate I applies if the contract is not the result of full and open competition.
24. FAR 52.215-27 Termination of Defined Benefit Pension Plans (MAR 1996)
25. FAR 52.215-33 Order of Precedence (JAN 1986)  
This clause applies to this contract if the contract was negotiated.
26. FAR 52.215-40 Notification of Ownership Changes (FEB 1995)  
This clause applies if certified cost or pricing data have been submitted or if any preaward or postaward cost determination is subject to FAR subpart 31.2.
27. FAR 52.215-42 Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data—Modifications (OCT 1995)
28. FAR 52.219-8 Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns (OCT 1995)
29. FAR 52.219-9 Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (AUG 1996)
30. FAR 52.219-16 Liquidated damages 196-Subcontracting Plan (OCT 1995)  
This clause applies to this contract only if (1) the total firm-fixed-price is in excess of \$500,000, and (2) a Pub. L. 95-507 subcontracting plan is required by this contract.
31. FAR 52.222-1 Notice to the Government of Labor Disputes (APR 1984)
32. FAR 52.222-3 Convict Labor (AUG 1996)
33. FAR 52.222-4 Contract Work Hours and Safety Standards Act—Overtime Compensation (JUL 1995)  
Applicable to the extent laborers or mechanics are utilized for the contract effort.
34. FAR 52.222-26 Equal Opportunity (APR 1984)
35. FAR 52.222-28 Equal Opportunity Preaward Clearance of Subcontracts (APR 1984)  
This clause is applicable if the price is \$1,000,000 or greater.
36. FAR 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 1984)
37. FAR 52.222-36 Affirmative Action for Handicapped Workers (APR 1984)
38. FAR 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 1988)
39. FAR 52.222-41 Service Contract Act of 1965, as Amended (MAY 1989)  
Applicable to the extent service employees are utilized for the contract effort as such employees are defined in Department of Labor regulations at Title 29, Code of Federal Regulations, Part 4.
40. FAR 52.222-42 Statement of Equivalent Rates for Federal Hires (MAY 1989)

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Applicable to the extent the Service Contract Act is applicable.

41. FAR 52.223-2 Clean Air and Water (APR 1984)  
This clause applies to this contract only if the price is (a) in excess of \$100,000; (b) a facility to be used has been the subject of a conviction under the applicable portion of the Air Act (42 U.S.C. 7413(c)(1)) or the Water Act (33 U.S.C. 1319(c)) and is listed by EPA as a violating facility; or (c) the acquisition is not exempt under FAR 23.104.
42. FAR 52.223-6 Drug-Free Workplace (JUL 1990)
43. FAR 52.223-14 Toxic Chemical Release Reporting (OCT 1996)
44. FAR 52.225-3 Buy American Act—Supplies (JAN 1994)
45. FAR 52.225-19 European Union Sanction for Services (Jan 1996)  
Applicable to All Power Marketing Administration Awards and Other Awards Less than \$176,000.
46. FAR 52.227-1 Authorization and Consent (JUL 1995)
47. FAR 52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (AUG 1996)
49. DEAR 952.227-11 Patent Rights-Retention by the Contractor (Short Form) (MAR 1995)  
This clause applies only if the contractor is a domestic small business or domestic nonprofit organization at the time of award.
50. DEAR 952.227-13 Patent Rights—Acquisition by the Government (MAR 1995)  
This clause applies to this contract unless the contractor is a domestic small business or domestic nonprofit organization at the time of award.
51. FAR 52.227-14 Rights in Data—General, Alternates I and V (JUN 1987)  
This clause applies to this contract unless the clause at FAR 52.227-17 is chosen elsewhere in this contract.
52. FAR 52.227-16 Additional Data Requirements (JUN 1987)  
This clause does not apply to this contract if the contract is for the conduct of basic or applied research, as set out elsewhere in this contract, to be performed solely by a college or university, and the estimated cost is not in excess of \$500,000.
53. FAR 52.227-17 Rights in Data—Special Works (JUN 1987)  
This clause applies to this contract only if chosen elsewhere in the contract.
54. FAR 52.227-23 Rights to Proposal Data (Technical) (JUN 1987)
55. FAR 52.229-3 Federal, State, and Local Taxes (JAN 1991)
56. FAR 52.229-5 Taxes-Contracts Performed in U.S. Possessions or Puerto Rico (APR 1994)
57. FAR 52.232-1 Payments (APR 1984)
58. FAR 52.232-8 Discounts for Prompt Payment (APR 1989)
59. FAR 52.232-11 Extras (APR 1984)

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60. FAR 52.232-17 Interest (JUN 1996)
61. FAR 52.232-23 Assignment of claims (JAN 1986)
62. FAR 52.232-25 Prompt Payment (MAR 1994)
63. FAR 52.232-28 Electronic Funds Transfer Payment Methods (APR 1989)
64. FAR 52.233-1 Disputes (OCT 1995), Alternate I (DEC 1991)
65. FAR 52.233-3 Protest After Award (AUG 1996)
66. FAR 52.242-13 Bankruptcy (JUL 1995)
67. FAR 52.242-15 Stop-Work Order (AUG 1989)
68. FAR 52.243-1 Changes—Fixed-Price (AUG 1987), Alternate I (APR 1984)
69. FAR 52.244-1 Subcontracts (Fixed-Price Contracts) (FEB 1995)  
This clause applies only if the price of this contract exceeds \$500,000.
70. FAR 52.244-5 Competition in Subcontracting (JAN 1996)
71. FAR 52.244-6 Subcontracts for Commercial Items and Commercial Components (OCT 1995)
72. DEAR 952.245-2 Government Property (Fixed-Price Contracts) (DEC 1989)
74. FAR 52.246-16 Responsibility for Supplies (APR 1984)
75. FAR 52.247-63 Preference For U.S.-Flag Air Carriers (APR 1984)
76. FAR 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels (AUG 1996)
77. FAR 52.249-2 Termination for Convenience of the Government (Fixed-Price) (SEP 1996)
78. FAR 52.249-8 Default (Fixed-Price Supply and Service) (APR 1984)

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SECTION I  
Additional Contract Clauses  
Services Phase(s)

- 79. FAR 52.211-7 OTHER THAN NEW MATERIAL, RESIDUAL INVENTORY, AND FORMER GOVERNMENT SURPLUS PROPERTY (MAY 1995)
- 80. FAR 52.222-43 FAIR LABOR STANDARDS ACT AND SERVICE CONTRACT ACT - PRICE ADJUSTMENT (MULTIPLE YEAR AND OPTION CONTRACTS) (MAY 1989)
- 81. DEAR 952.226.71 UTILIZATION OF ENERGY POLICY ACT TARGET ENTITIES (JUN 1996)
- 82. DEAR 952.226.72 ENERGY POLICY ACT SUBCONTRACTING GOALS AND REPORTING REQUIREMENTS (JUN 1996)
- 83. FAR 52.227-3 PATENT INDEMNITY (APR 1984)
- 84. FAR 52.228-5 INSURANCE - WORK ON A GOVERNMENT INSTALLATION (SEP 1989)
- 85. FAR 52.237-2 PROTECTION OF GOVERNMENT BUILDINGS, EQUIPMENT AND VEGETATION (APR 1984)
- 86. FAR 52.242-17 GOVERNMENT DELAY OF WORK (APR 1984)
- 87. FAR 52.246-25 LIMITATION OF LIABILITY - SERVICES (APR 1984)

SECTION I  
Additional Contract Clauses in Full Text  
Service Phase(s)

FAR 52.202-1 and DEAR 952.202-1 (APR 1994) (CONFORMED)

DEFINITIONS (OCT 1995)

- (a) "Head of Agency" means the Secretary, Deputy Secretary or Under Secretary of the Department of Energy and the Chairman, Federal Energy Regulatory Commission.
- (b) "Commercial component" means any component that is a commercial item.
- (c) "Commercial item" means-
  - (1) Any item, other than real property, that is of a type customarily used for nongovernmental purposes and that-
    - (i) Has been sold, leased, or licensed to the general public; or
    - (ii) Has been offered for sale, lease, or license to the general public;
  - (2) Any item that evolved from an item described in paragraph (c)(1) of this clause through advances in technology or performance and that is not yet available in the commercial marketplace, but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Government solicitation;
  - (3) Any item that would satisfy a criterion expressed in paragraphs (c)(1) or (c)(2) of this clause, but for-
    - (i) Modifications of a type customarily available in the commercial marketplace; or
    - (ii) Minor modifications of a type not customarily available in the commercial marketplace made to meet Federal Government requirements. "Minor" modifications means modifications that do not significantly alter the nongovernmental function or essential physical characteristics of an item or component, or change the purpose of a process. Factors to be considered in determining whether a modification is minor include the value and size of the modification and the comparative value and size of the final product. Dollar values and percentages may be used as guideposts, but are not conclusive evidence that a modification is minor;
  - (4) Any combination of items meeting the requirements of paragraphs (c)(1), (2), (3), or (5) of this clause that are of a type customarily combined and sold in combination to the general public;
  - (5) Installations services, maintenance services, repair services, training services, and other services if such services are procured for support of an item referred to in paragraphs (c)(1), (2), (3), or (4) of this clause, and if the source of such services-

- (i) Offers such services to the general public and the Federal Government contemporaneously and under similar terms and conditions; and
  - (ii) Offers to use the same work force for providing the Federal Government with such services as the source uses for providing such services to the general public;
- (6) Services of a type offered and sold competitively in substantial quantities in the commercial marketplace based on established catalog or market prices for specific tasks performed under standard commercial terms and conditions. This does not include services that are sold based on hourly rates without an established catalog or market price for a specific service performed;
  - (7) Any item, combination of items, or service referred to in subparagraphs (c)(1) through (c)(6), notwithstanding the fact that the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of a Contractor; or
  - (8) A nondevelopmental item, if the procuring agency determines the item was developed exclusively at private expense and sold in substantial quantities, on a competitive basis, to multiple State and local Governments.
- (d) "Component" means an item supplied to the Federal Government as part of an end item or of another component.
  - (e) "Nondevelopmental item" means-
    - (1) Any previously developed item of supply used exclusively for governmental purposes by a Federal agency, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement;
    - (2) Any item described in paragraph (e)(1) of this definition that requires only minor modification or modifications of a type customarily available in the commercial marketplace in order to meet the requirements of the procuring department or agency; or
    - (3) Any item of supply being produced that does not meet the requirements of paragraph (e)(1) or (e)(2) solely because the item is not yet in use.
  - (f) "Contracting Officer" means a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the Contracting Officer acting within the limits of their authority as delegated by the Contracting Officer.
  - (g) Except as otherwise provided in this contract, the term "subcontracts" includes, but is not limited to, purchase orders and changes and modifications to purchase orders under this contract.
  - (h) The term "DOE" means the Department of Energy and "FERC" means the Federal

Energy Regulatory Commission.

DEAR 970.5204-59

WHISTLEBLOWER PROTECTION FOR CONTRACTOR EMPLOYEES (JAN 1993)

(a) The contractor shall comply with the requirements of the "DOE Contractor Employee Protection Program" at 10 CFR part 708 with respect to work performed on-site at a DOW-owned or -leased facility, as provided at 10 CFR part 708.

(b) The contractor shall insert or have inserted the substance of this clause, including this paragraph (b), in subcontracts at all tiers, with respect to work performed on-site at a DOE-owned or -leased facility, as provided at 10 CFR 708.