

Government Contract Provisions from the
Department of Energy Acquisition Regulation (DEAR)
TC-DEAR (10/11)

- A. When the materials, products or services furnished are for use in connection with a U.S. Government, Department of Energy contract or higher-tier subcontract, in addition to the General Provisions (TC-001) and FAR provisions (TC-002), the following provisions shall apply, as required by the terms of the prime contract, higher-tier subcontract or by operation of law or regulation. The effective version of each DEAR provision shall be the same version as that which appears in Buyer's prime contract, or higher-tier subcontract under which this Order is a subcontract, in the event of a conflict between these DEAR provisions and the General Provisions (TC-001) or FAR provisions (TC-002), the DEAR provisions shall control.
- B. The following clauses set forth in the DEAR in effect as of the date of the prime contract are incorporated herein by reference. In all clauses listed herein, the terms "Government", "Contracting Officer" and "contractor shall be revised" to suitably identify the contracting parties under this Purchase Order and effect the proper intent of the provision except where further clarified or modified below. "Subcontractor", however, shall mean "Seller's Subcontractor" under this Purchase Order. The Seller, by signing its offer, hereby certifies compliance with the following clauses and is, therefore, eligible for award. With respect to the FAR and DEAR clauses incorporated into the Purchase Order relating to rights in noncommercial technical data, and noncommercial computer software and noncommercial computer software documentation, the Seller grants to Buyer the right to use, disclose, modify, combine, integrate or make derivative works of any noncommercial technical data, noncommercial computers software or noncommercial computer software documentation delivered under this Purchase Order to the extent necessary, and for such period as is required, for Buyer to complete its performance under the Buyer's U.S. Government programs.
- C. **The following DEAR clauses are applicable to ALL Purchase Orders unless otherwise indicated:**
1. 952.203-70 "Whistleblower Protection for Contractor Employees"
 2. 952.204-2 "Security Requirements"
 3. 952.204-70 "Classification/Declassification" (Applies to orders involving or that may involve access to classified information.)
 4. 952.204.71 "Sensitive Foreign Nation Controls" (Applies to orders making unclassified information about nuclear technology available to sensitive foreign nations.)
 5. 952.204-72 "Disclosure of Information"
 6. 952.204-77 "Computer Security" (Applies to orders that may provide access to computers owned, leased or operated on behalf of the DOE.)
 7. 952.208-70 "Printing"
 8. 952.209-72 "Organizational Conflicts of Interest, Alternate 1"
 9. 952.216-7 "Allowable Cost and Payment"
 10. 952.217-70 "Acquisition of Real Property"
 11. 952.223-72 "Radiation Protection and Nuclear Criticality"
 12. 952.223-78 "Sustainable Acquisition Program" (Applies to all orders exceeding \$150,000.)
 13. 952.226-74 "Displaced Employee Hiring Preference" (Applies to all orders exceeding \$500,000.)
 14. 952.227-9 "Refund of Royalties"
 15. 952.227-14 "Rights in Data General (DOE Coverage-Alternates VI and VII)"
 16. 952.245-2 "Government Property (Fixed Price Contracts)"
 17. 952.245-5 "Government Property (Cost-Reimbursement, Time and Materials, or Labor Hour Contracts)"
 18. 952.247-70 "Foreign Travel"
 19. 952.250-70 "Nuclear Hazards Indemnity Agreement"
- D. **The following DEAR clauses apply only to orders under DOE maintenance and operating contracts:**
1. 970.5204-1 "Counterintelligence"
 2. 970.5204-3 "Access to and Ownership of Records" (Applies to all cost reimbursement type orders.)
 3. 970.5208-1 "Printing"
 4. 970.5215-4 "Cost Reduction"
 5. 970.5223-1 "Integration of Environment, Safety, and Health into Work Planning and Execution"
 6. 970.5223-4 "Workplace Substance Abuse Programs at DOE Sites"
 7. 970.5223-7 "Sustainable Acquisition Program" (Applies to all orders exceeding \$150,000.)
 8. 970.5226-2 "Workforce restructuring under Section 3161 of the National Defense Authorization Act for Fiscal Year 1993" (Applies to orders exceeding \$500,000, except orders for commercial items.)
 9. 970.5227-4 "Authorization and Consent"
 10. 970.5227-5 "Notice and Assistance Regarding Patent and Copyright Infringement"
 11. 970.5227-8 "Refund of Royalties"
 12. 970.5227-11 "Patent Rights –Management and Operating Contracts, For-Profit Contractor, Non-Technology Transfer"