

U.S. Department of Energy  
Washington, D.C.

ORDER

DOE 2100.10A

8-15-88

SUBJECT: FINANCIAL POLICY AND PROCEDURES FOR REIMBURSABLE WORK

1. PURPOSE. To establish Departmentwide financial policy and procedural guidance applicable to performing reimbursable work for other Federal agencies and with non-Federal Government entities, including foreign and commercial entities, State, and political subdivisions.
2. CANCELLATION. DOE 2100.10, REIMBURSABLE (FUNDS-IN) POLICY AND PROCEDURES, of 10-17-83.
3. SCOPE. The provisions of this Order apply to all Departmental Elements and integrated contractors performing work for the Department as provided by law and/or contract and as implemented by the appropriate contracting officer.
4. EXCLUSIONS. This Order does not apply to: refunds; user charges (31 U.S.C. 9701); revolving fund activities; receipts for cooperative work performed under cooperative agreements; work or services between DOE locations; actions between DOE integrated contractors; activities involving services, products, or materials regularly produced for sale at schedule rates (e.g., routine irradiation services, isotopes, heavy water, production or transmission of electricity, uranium enrichment services) under Departmental programs, activities funded under the Contributed Funds Act (43 U.S.C. 395) or emergencies as defined in paragraph 8e.
5. REFERENCES.
  - a. DOE 1280.1, MEMORANDUMS OF UNDERSTANDING, of 9-20-85, which provides the policies and procedures for executing interagency agreements and memorandums of understanding.
  - b. DOE 2200.5, FUND ACCOUNTING, Chapter 1, "Administrative Control of Funds", of 5-04-88, which prescribes policies, procedures, and responsibilities for the administrative control of all funds.
  - c. DOE 2100.8, COST ACCOUNTING, COST RECOVERY, AND INTERAGENCY SHARING OF DATA PROCESSING FACILITIES, of 3-3-83, which implements Office of Management and Budget (OMB) Circular A-121 which prescribes policies for cost accounting, cost recovery, and interagency sharing of data processing facilities.
  - d. DOE 2110.1A, PRICING OF DEPARTMENTAL MATERIALS AND SERVICES, of 7-14-88, which set forth DOE policy for establishing prices and charges for Department materials and services sold to organizations and persons outside DOE.

DISTRIBUTION:  
All Departmental Elements

INITIATED BY:  
Office of the Controller

- e. DOE 3300.1A, ASSIGNMENT OF DEPARTMENTAL PERSONNEL OUTSIDE THE DEPARTMENT, which provides policy and guidance for the assignment of Departmental personnel outside the Department.
- f. DOE 4300.2A, NON-DEPARTMENT OF ENERGY FUNDED WORK, of 12-19-86, which establishes policy, responsibilities, and procedures for authorizing and administering non-DOE funded work performed under DOE contracts.
- g. DOE 5500.6A, SHUTDOWN OF DEPARTMENTAL OPERATIONS UPON FAILURE BY CONGRESS TO ENACT APPROPRIATIONS, of 9-6-85, which establishes the activities which may continue in the absence of appropriation (including emergencies to protect life and property).
- h. DOE 5700.7B, WORK AUTHORIZATION SYSTEM, of 9-24-86, which establishes a formal process for budget authorization, and monitoring of DOE-funded and non-DOE funded work conducted by management and operating contractors.
- i. Title 5 U.S.C. 3371-3376, the Intergovernmental Personnel Act of 1970, as amended, which provides for the assignment of personnel between the Federal, State, local, and Indian Tribal Governments, institutions of higher education, or other approved and eligible organizations.
- j. Title 31 U.S.C. 1535, 1536, and 3324 the Economy Act, which authorizes agencies to place interagency agreements for goods and services with other agencies.
- k. Title 31 U.S.C. 6505, the Intergovernmental Cooperation Act of 1968, as amended, which authorizes Federal agencies to provide reimbursable specialized or technical services to States and local governments.
- l. Title 41 U.S.C. 23, The Project Order Act, which states that interagency agreements placed with Government-owned establishments are considered obligations in the same way that contracts placed with commercial concerns are considered obligations.
- m. Title 42 U.S.C. 2051, 2052, 2053, and 2201, the Atomic Energy Act of 1954, as amended, which authorizes the performance of reimbursable work related to atomic energy.
- n. Title 42 U.S.C. 5801 et seq., Public Law 93-438, Energy Reorganization Act, section 111(h), which authorizes the Department to retain receipts if specified in appropriation acts.
- o. Title 42 U.S.C. 7101, Public Law 95-91, the Department of Energy Organization Act, which establishes the Department and provides the Secretary with the authority to enter into and perform the kinds of reimbursable agreements that are subject to this Order.

- p. Title 5 CFR 334, Temporary Assignment of Employees Between Federal Agencies and State, Local, and Indian Tribal Governments, Institutions of Higher Education or Other Approved Eligible Organizations, which establishes policies and procedures for the Intergovernmental Personnel Act Program.
  - q. Office of Management and Budget (OMB) Circular A-34, part III, "Agency Accounting and Administrative Control System," of 8-26-85, which promulgates OMB regulations covering reimbursements and administrative control of funds.
  - r. OMB Circular A-97, "Rules and Regulations Permitting Federal Agencies to Provide Special or Technical Services to State and Local Units of Government Under Title III of the Intergovernmental Cooperation Act of 1968," of 8-29-69, which covers subject rules and regulations.
  - s. Federal Personnel Manual (FPM), chapter 352, which provides for the assignment of Federal employees to international organizations.
6. BACKGROUND. Enabling legislation and Federal regulations have authorized DOE to provide various products, services, or other items of value to the public and Federal entities at no charge or for a price determined appropriate in accordance with Departmental pricing policies and procedures. Federal legislation and regulations also exist that authorize DOE to retain and use certain collected funds for work performed and services provided.
7. OBJECTIVE. To ensure that the planning for, execution of, and accounting for reimbursable work are in accordance with Departmental budgeting and accounting procedures and are otherwise properly managed with regard to obligation and expenditure of DOE funds, advances for reimbursable work, and billing and collection procedures.
8. DEFINITIONS.
- a. Advances are unearned funds provided by others that shall be used for reimbursement of work to be provided by DOE in the future.
  - b. Budgetary Resources. In the case of reimbursable work, budgetary resources that are available for obligation include (1) the amount of reimbursable agreements received from within the Federal Government that represent valid obligations of the ordering account, to the extent that the reimbursements will be placed in the current appropriation or fund account when collected; and (2) the amount of unfilled customers' reimbursable agreements from non-Federal customers for which advance payment has been made.
  - c. Cognizant Finance or Budget Office is the DOE finance or budget office designated to provide accounting or budgetary support to a field element or a Headquarters program or project office that has execution responsibility for reimbursable work.

- d. Cognizant Secretarial Officer is the Departmental official, at the Assistant Secretary level, who has responsibility for the institutional overview of field organizations and integrated facilities.
- e. Emergency is any situation involving the protection of life and property (e.g., medical care for inpatients, protection of Federal lands, buildings, and equipment; law enforcement; emergency and disaster assistance; production of power and maintenance of the power distribution system; and protection of research property). Also, see DOE 5500.6A, page 6, paragraph 7a.
- f. Integrated Contractor. A DOE contractor that is contractually required to maintain a separate set of accounts and records for recording and reporting all business transactions under the contract in accordance with DOE accounting practices and procedures and whose books of account are integrated with those of DOE through the use of reciprocal accounts. An integrated contractor may be a private enterprise, in the form of a nonprofit institution, a commercial corporation, or any other form of organization legally capable of entering into a contract with DOE. All funds made available for the use of the contractor and all funds collected by the contractor for DOE shall be reflected in the contractor's and DOE's reciprocal accounts. The contractor retains custody of the accounting records and supporting documents, in accordance with the provisions of the contract, keeping the data available for inspection by DOE and General Accounting Office auditors at all times.
- g. Management and Operating (M&O) Contractors are those designated by the Secretary in accordance with DOE policies.
- h. Memorandum of Understanding (MOU) is a written agreement broadly stating basic understandings and describing a mechanism for coordinating activities to be engaged in by the Department and other signatory authorities. A memorandum of understanding is not a binding contract; it cannot be used to obligate or commit funds or as the basis for the transfer of funds from one agency to another. If a commitment, obligation, or transfer of funds is required, a specific reimbursable agreement shall be developed between DOE and the participating organization to provide specific funding, obligation, and billing data. Additional information concerning MOU'S is found in DOE 1280.1, MEMORANDUMS OF UNDERSTANDING.
- i. Miscellaneous Receipts are funds collected by DOE for the use of the Federal Government. Such funds may not be retained for use by the collecting agency but must be deposited in the U.S. Treasury general fund. Collections representing refunds of payments made previously (appropriation refunds) are not miscellaneous receipts.

- j. Non-Federal refers to those entities that are not a part of the Federal Government.
- k. Reimbursable Agreement is a written agreement to perform reimbursable work for other Federal agencies or non-Federal entities. The reimbursable work may be accomplished under the authority of the Economy Act, the Atomic Energy Act, or other specific statutory authority. Normally, reimbursable agreements to perform work for non-Federal entities will require a bilateral sales contract. Reimbursable work for other Federal agencies requires an interagency agreement. An interagency agreement is a written agreement entered into between DOE and another Federal agency for DOE to furnish specific goods or accomplish a specific task in support of the other agency's mission. Among other things, the interagency agreement will provide funding, billing, and payment data in support of the reimbursable work. A standard form is not used for interagency agreements, but rather DOE generally accepts the format of the requesting agency as long as it contains the appropriate elements as outlined in Attachment 1 of this Order. Examples of Economy Act interagency agreements are Military Interdepartmental Procurement Requests (MIPR) used by Department of Defense, Project Authorization Funding Documents used by the Air Force Tactical Application Center, and Procurement Letters used by the United States Geological Survey.
- l. Reimbursable Authority refers to reimbursable obligation authority. This authority can only be acquired by obtaining an allotment through the DOE Approved Funding Program process. Reimbursable authority is authority to incur obligations in accomplishing reimbursable work or services if a budgetary resource, either a reimbursable agreement from a Federal entity or cash advance from a non-Federal entity, is also available.
- m. Reimbursable Work for purposes of this Order, refers to work or services performed or to be performed for another Federal or non-Federal entity for which the DOE is compensated by a specific type of offsetting collection, known as a reimbursement, which may be credited as authorized by law to the appropriation or fund account of the DOE. The reimbursable work or services performed by DOE are financed by the funds of the ordering Federal entity or by cash advances from a non-Federal entity.

9. POLICY.

- a. It is the policy of DOE to accept reimbursable agreements for its goods and services and to perform work for others on a reimbursable basis, provided legal and regulatory authority to perform the reimbursable work exists and the Department is capable of complying with the

requirements of the legal authorities relied on. Furthermore, such work must not impede primary functions and responsibilities of the performing activity, and budgetary resources for performing reimbursable work must be available.

- b. The execution of final acceptance of reimbursable work shall only be made after a written determination that the work is consistent with and meets established requirements set forth in DOE 4300.2A, page 4, paragraphs 8a and 8b. In addition, no work shall commence and no costs are to be incurred until a written reimbursable agreement has been received and such document is approved and accepted as defined in DOE 4300.2A. For work to be performed solely by Headquarters Elements, approval and acceptance shall be made in accordance with the provisions of paragraph, 10a(5) of this Order.
- c. Work performed for other Federal agencies shall be fully funded prior to commencement of work if the work is to be completed within the current fiscal year. For work that transcends the fiscal year, full funding for the current fiscal year plus the first 3 months of the following fiscal year shall be required. See paragraph 16a(3) for exception to the full funding requirement. No work shall be continued beyond the period or amount of funding as provided in the reimbursable agreement.
- d. Reimbursable work for non-Federal entities shall not start nor continue without a cash advance of funds except as provided by paragraph 16c.
- e. Heads of Field Elements and the Controller for Headquarters shall maintain an appropriate management and control environment and related systems which provide advance notification of potential funding shortfalls in sufficient time to obtain additional funds or to begin orderly termination of the project.
- f. In the event of an emergency as defined on page 4, paragraph 8e, exceptions to the policy on full funding and cash advances from Federal and non-Federal entities may be authorized by the Head of the cognizant Field Element or the Controller (MA-3), for Headquarters Elements. The circumstances which caused the deviation shall be documented by the cognizant finance or budget officer and the Controller formally advised of the deviation within 10 days.
- g. All reimbursable agreements accepted by DOE for reimbursable work shall be managed and accounted for in accordance with the funding limitations and other provisions of the reimbursable agreement. The level of financial controls specified in the reimbursable agreement establish the administrative funds controls which must be followed.

- h. Reimbursable work shall not be accepted when it is evident that a requesting agency is using this as a mechanism to obligate funds solely to keep them from being reported as unobligated or to keep them from lapsing at the end of the fiscal year.
- i. All reimbursable agreements made or modified after the date of this Order must comply with this Order and must contain an expiration date not to exceed 5 years from the date of inception (with the exception of such agreements with the Nuclear Regulatory Commission, power marketing and transmission-related agreements of power marketing administrations, or other long-term commitments), unless approved by the Assistant Secretary, Management and Administration.
- j. All agreements for reimbursable work involving data processing facilities and/or related dedicated services, e.g., application systems, programmers or analysts, software unique to a particular application systems, and remote terminals and modems must comply with the provisions of DOE 2100.8, COST ACCOUNTING, COST RECOVERY, AND INTERAGENCY SHARING OF DATA PROCESSING FACILITIES, of 3-3-83.
- k. All reimbursable work for others must be carried out in accordance with the requirements of the National Environmental Policy Act. DOE may participate as either the lead or cooperating agency.

10. RESPONSIBILITIES.

- a. Cognizant Secretarial Officers shall for Headquarters Elements, each field element, and integrated contractor facility under their cognizance:
  - (1) Provide timely appropriate notification to the Under Secretary (S-3) and the Assistant Secretary, Management and Administration, of any sensitive reimbursable actions pursuant to DOE 4300.2A, page 10, paragraphs 10g(8) and (9).
  - (2) Recommend changes in financial aspects of reimbursable work policies to the Assistant Secretary, Management and Administration.
  - (3) When reimbursable work is to be performed at a DOE field element, but enters the Department at the Headquarters level, make a preliminary determination as to the appropriateness of the work and the capability of the Field Element to perform the work. The preliminary determination that the work can be undertaken will be made only after consultation with the Head(s) of Field Elements and the Offices of the Assistant Secretary, Management and Administration as provided for in DOE 4300.2A, page 8, paragraph 10c(4). Final acceptance of the work will be made in accordance with DOE 4300.2A, page 9, paragraph 10g(5).

- (4) Approve exceptions to full funding with the concurrence of the Controller and the Head of the affected Departmental Element as provided for in paragraph 16a(3).
  - (5) Make a determination as to the appropriateness and the capability to conduct reimbursable work to be performed by Headquarters Elements. The Cognizant Secretarial Officer will submit such reimbursable agreements along with a written determination as required by DOE 4300.2A, page 4, paragraph 8, to the Assistant Secretary, Management and Administration, for final acceptance.
- b. Assistant Secretary, Management and Administration (MA-1) shall provide Departmental policies and procedures for reimbursable work to be implemented through the supervision of the following personnel:
- (1) Director of Administration (MA-2).
    - (a) Obtain necessary approvals of final agreements for reimbursable details of personnel and/or Intergovernmental Personnel Act assignments, in accordance with DOE 3300.1A, ASSIGNMENT OF DEPARTMENTAL PERSONNEL OUTSIDE THE DEPARTMENT.
    - (b) Ensure that necessary determinations and coordinations are accomplished for personnel details and assignments.
    - (c) Provide a copy of final agreements for Headquarters reimbursable details-of-personnel and/or Intergovernmental Personnel Act assignments to the cognizant finance and budget office as appropriate.
    - (d) Coordinate with the Cognizant Secretarial Officers prior to final acceptance of a reimbursable agreement for work to be performed by Headquarters Elements.
  - (2) Controller (MA-3).
    - (a) Establish and maintain financial policies and procedures for reimbursable work.
    - (b) Approve financial exceptions, as specified in paragraphs 16a(3) and 16c, from those policies and procedures, and upon request assist in review and approval of financial aspects of reimbursable agreements for work supported by or performed by a Headquarters Element.
    - (c) Obtain reimbursable apportionments and issue reimbursable allotment authority for reimbursable work.
    - (d) Coordinate with the cognizant Secretarial Officers prior to final acceptance of a reimbursable agreement for work to be performed by Headquarters.



- (3) Director of Procurement and Assistance Management (MA-4).
  - (a) Execute final acceptance of reimbursable agreements for work to be performed solely by Headquarters Elements after the Cognizant Secretarial Officer has secured coordination from MA-2 and MA-3.
  - (b) Provide copies of final reimbursable agreements negotiated in Headquarters to all DOE accounting offices impacted by such agreements.
- c. General Counsel/Field Counsel shall provide legal counsel and advice on matters relating to reimbursable agreements on an as needed basis.
- d. Heads of Field Elements shall ensure that:
  - (1) The requested reimbursable work is approved and accepted in accordance with the established requirements of DOE 4300.2A.
  - (2) Budgetary resources and reimbursable authority are obtained prior to initiation of work or services.
  - (3) Any proposed exceptions to the requirement for full funding from Federal agencies for projects to be completed in the current fiscal year (or current fiscal year plus 90 days for projects transcending the fiscal year) are reviewed and approved by them only if there is justification. In no case shall an exemption be granted which necessitates the use of DOE funds to finance reimbursable work performed for others.
  - (4) Concur on Secretarial Officer's exceptions to full funding as provided for in paragraph 16a(3).
  - (5) Requested work is priced in accordance with DOE 2110.1A.
  - (6) All documents authorizing performance of tasks that include reimbursable work specify what portion of the funding is reimbursable or that the total funding is reimbursable.
  - (7) Final accepted reimbursable agreements are executed in accordance with DOE 4300.2A, page 9, paragraph 10g(5), and submitted to the cognizant finance or budget office.
  - (8) All documents pertaining to a reimbursable agreement are identified and maintained on file.
  - (9) Obligations and expenditures against individual reimbursable agreements are recorded promptly and accurately and do not exceed the associated budgetary resource.

e. Director of the Cognizant Finance or Budget Office (or as the Head of the Field Element may delegate) shall:

- (1) Review reimbursable agreements for adequacy and accuracy of relevant accounting and funding data, potential budgetary resource problems, pricing factors, financial close out procedures, and provision of billing information and addresses. Request the DOE program sponsor of the agreement to obtain correction of any deficiencies.
- (2) Certify fund availability for each reimbursable agreement to ensure that obligations are not incurred in the performance of a reimbursable agreement in excess of the authority provided in the approved funding program and allotment. If an agreement would require obligations in excess of reimbursable authority allotted, ensure that additional authority is obtained prior to incurring the obligation.
- (3) Provide information about the availability of funds to approving officials or DOE program sponsors of reimbursable agreements.
- (4) Develop and maintain accurate and timely financial information on the status of funds, obligations, and expenditures incurred for each reimbursable agreement.
- (5) For reimbursable agreements received under the authority of the Economy Act, determine the amount of obligations that will not be incurred before the end of the period of availability of the appropriation. Timely notification shall be provided to the ordering agency regarding the amount of funds to be deobligated.

11. APPORTIONMENT AND REAPPORTIONMENT.

- a. Funds for reimbursable work are subject to apportionment and reapportionment by appropriation.
- b. Planned reimbursable work to be performed each fiscal year shall be included in the budgetary schedules submitted in accordance with the DOE budget formulation process.

12. ALLOTMENT OF REIMBURSABLE AUTHORITY.

- a. Approved funding programs and allotments shall provide for reimbursable obligational authority. Reimbursable obligational authority will be separately identified but shall only be available for use to the extent that budgetary resources are available.
- b. The amount apportioned for any appropriation or fund account that includes reimbursable authority shall not be allotted unless there is reasonable assurance that such items will be collected and deposited to the credit of the appropriation or fund involved.

13. REIMBURSABLE AGREEMENT CRITERIA. The agreement document used must include appropriate coverage of the criteria set forth in Attachment 1.
14. OBLIGATION AND EXPENDITURE OF REIMBURSABLE AGREEMENTS.
  - a. A reimbursable agreement is available for the incurring of obligations whenever it meets the criteria of a budgetary resource and there is also sufficient reimbursable authority available within the allotment to cover it. The requirements for a budgetary resource and reimbursable authority are two separate and distinct requirements. If reimbursable authority within the allotment is insufficient, then it shall be necessary to request an increase in the allotment even though a budgetary resource exists. The inclusion of estimates in determining the amounts available for apportionment in no way authorizes anyone in the Department to obligate or make expenditures in excess of the budgetary resources available for obligation from sources identified on page 3, paragraph 8b.
  - b. Obligations and expenditures on a cumulative basis shall not exceed reimbursable authority granted in allotments. Moreover, obligations and expenditures for each reimbursable agreement shall not exceed the budgetary resources authorized on that reimbursable agreement.
  - c. Funds provided under reimbursable agreements are to be used solely for the intended purpose and, to do otherwise, constitutes unauthorized use of funds.
15. STATUTORY AUTHORITY FOR ACCEPTING AND ACCOUNTING FOR REIMBURSABLE ACTIONS. The authorities cited below should be used in conjunction with the requirements of DOE 4300.2A:
  - a. Economy Act.
    - (1) If the Economy Act (31 U.S.C. 1535) is cited as the authority for performing work or services, the requesting agency shall determine that the reimbursable work or services cannot be provided as conveniently or cheaply through a commercial enterprise.
    - (2) Under the Economy Act, reimbursable work or services may be provided when the accepting agency is equipped or in a position to supply, render, or obtain the goods or services by contracting-out.
    - (3) Any condition or limitation applicable to the funds of any executive department, independent establishment, bureau, or office that places an reimbursable agreement or enters into a contract under the provisions of the Economy Act shall be applied.

- (4) An reimbursable agreement made under the Economy Act obligates an appropriation of the ordering agency or unit. The amount obligated is deobligated to the extent that the agency or unit filling the reimbursable agreement has not incurred obligations before the end of the period of availability of the appropriation in providing goods or services; or making an authorized contract with another person to provide the requested goods or services.
  - (5) Project order interagency agreements are agreements which military departments enter into with DOE for ordering work and materials under the provisions of the Project Order Law (41 U.S.C. 23). Unlike other Economy Act transactions, project order agreements are not required to be deobligated at year-end if the performing agency has not incurred valid obligations under the agreement arrangement.
  - b. Atomic Energy Act. Reimbursable work may be performed pursuant to sections 31, 32, 33, and 161 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2051, 2052, 2053, and 2201) only upon a determination that private facilities or laboratories are inadequate for the purpose.
  - c. Intergovernmental Cooperation Act of 1968. If this act is cited as the authority for performing reimbursable work, a determination shall be made by the contracting officer that the requested work or services cannot be procured reasonably and conveniently through normal business channels.
16. FINANCING OF WORK. A budgetary resource shall be obtained from customers prior to performing reimbursable work. Reimbursable budgetary resources available for obligation consist of reimbursable agreements from other Federal agencies that represent valid obligations of the ordering account or the amount of unfilled customers' reimbursable agreements from non-Federal customers for which advance payment has been made.
- a. Financing Work for Other Federal Agencies.
    - (1) Generally, cash advances shall not be required when performing work for other Federal agencies under the Economy Act. However, cash advances may be required from agencies with a history of slow or no payment or if the interests of DOE are best served by obtaining an advance.
    - (2) A valid reimbursable agreement shall be used as a budgetary resource when performing work for other Federal agencies. The reimbursable agreement shall provide full funding if the work is to be completed in the current fiscal year. For work that transcends fiscal years, full funding for the current fiscal year plus the first 3 months of the following fiscal year shall be required.

- (3) Exceptions to the requirement for full funding from Federal agencies for projects to be completed in the current fiscal year (or current fiscal year plus 90 days for projects transcending the fiscal year) may be granted by Heads of Field Elements for their respective organizations and the Controller in consultation with the Cognizant Secretarial Officer for work to be performed by Headquarters Elements. Program Secretarial Officers when executing unique and significant MOU agreements which impact more than one Departmental element, such as the Strategic Defense Initiative (SDI), may grant an exception to full funding with the concurrence of the Controller and the Heads of the affected Departmental Elements. In no case shall an exception be granted which necessitates the use of DOE funds to finance reimbursable work performed for others. This is a violation of appropriation law. Additionally, exceptions shall not be granted which would cause advanced funding to be less than amounts necessary to provide for an orderly phasedown and termination of the reimbursable agreement.
- b. Advances from Non-Federal Entities. Except as provided below, cash advances shall be received prior to performing work for non-Federal entities. Full funding is required prior to beginning work on reimbursable agreements with an estimated cost of \$25,000 or less or that will be completed in 90-days or less. For reimbursable agreements greater than \$25,000 or that will last longer than 90-days, sufficient advance funds shall be obtained to maintain a continuous 90-day advance of funds during the life of the project. No work will begin before the receipt of a cash advance. The advance shall also cover anticipated termination cost that the Department would incur if the reimbursable work were terminated.
- c. Exceptions to the requirement for advances from non-Federal entities will be permitted only as specified below.
  - (1) Deliveries from stock on hand, when such deliveries can be accomplished quickly and will not require the use of current budgetary resources except to replace the stock on hand.
  - (2) Delivery of items or services without an advance, when permitted by specific law. This covers reimbursable work deliveries without advance payment as directed by specific laws or Executive Orders. An example is the detail of employees to State and political subdivisions according to 5 U.S.C. 373, and the detail of employees to international organizations according to 5 U.S.C. 3343.
  - (3) When reimbursable goods or services are provided to fill a verified requirement of work for a DOE funded cost-type contract, the reimbursable agreement from the DOE funded entity shall constitute the budgetary resource.

- (4) When a non-Federal entity deposits cash for accomplishing the reimbursable work effort into a irrevocable letter-of-credit or trust account, whereby DOE retains exclusive authorization to make withdrawals as required. Under this funding arrangement, the cash on deposit shall constitute a valid budgetary resource for performing the work.
- (5) In specific circumstances when an advance cannot be obtained such as from State and local governments whose laws prohibit the payment of advances for goods and services. For these specific cases, an appropriated budgetary resource shall be used; e.g., Cost of Work for Others program under the Departmental Administration Appropriation.
- (6) Any exceptions other than those authorized above require the prior approval of the Controller. Factors to consider when granting such an exception include:
  - (a) Whether legal authority for the work and the exception exists;
  - (b) Whether a budgetary resource will otherwise exist;
  - (c) Whether a special benefit will be conferred on an entity for which there should be a charge;
  - (d) Whether a potential cash flow problem will be created for the appropriation affected;
  - (e) Whether a receivable collectability problem may be created; and
  - (f) Whether a reprogramming of funds or supplemental appropriation may be necessary to finance an uncollectable receivable.

#### 17. BILLING AND COLLECTION PROCEDURES.

- a. Approved Treasury forms or the Treasury's On-Line Payment and Collection System must be used for expenditure transfers between DOE and other Federal agencies.
- b. The accounting office preparing the billing has the final determination on the billing method.
- c. Billings shall not be in excess of the total amount authorized by the agreement, including any amendments. If an increase to the agreement is required, an amendment should be obtained from the issuing organization prior to incurring any additional costs.
- d. Billings will be issued monthly or in accordance with reimbursable agreements and will include the date that goods and services were provided, in addition to the "as of" billing date.

- e. For non-Federal entities, wire transfer, check, or cash payment may be accepted, consistent with prudent financial judgment.
- 18. CREDITING OF COLLECTIONS. As a general rule, amounts received as reimbursements in payment for reimbursable work, services shall be credited to the appropriation or fund that was charged with performance.
- 19. PRICING OF REIMBURSABLE WORK (COST RECOVERY). Charges for reimbursable work will be in accordance with DOE pricing policy as set forth in DOE 2110.1A.

BY ORDER OF THE SECRETARY OF ENERGY:



LAWRENCE F. DAVENPORT  
Assistant Secretary  
Management and Administration

GUIDELINES FOR DEVELOPMENT, REVIEW, AND ACCEPTANCE OF AN AGREEMENT FOR  
REIMBURSABLE WORK OR SERVICES BY DOE OFFICIALS

1. APPLICABLE FOR ALL TYPES OF REQUESTING ENTITIES.

- a. Final execution is completed before the expiration of the period of availability for obligation of the appropriations or funds concerned.
- b. Requester commits to payment of a sum of money to pay the full cost of the work requested.
- c. Requester commits to payment to a specified DOE activity.
- d. Provide for only specific goods or performance of work and services authorized by law.
- e. Cite the proper appropriation.
- f. Specify that requester funds are available and the specific source of these funds and the time period of availability.
- g. State any reports required.
- h. Specify what capital equipment and real property are to be procured and who will own that property.
- i. State the expiration date of the agreement.
- j. If an advance has or will be received, specify the office and account to which it has or will be deposited.
- k. Provide for a DOE agreement reference number.
- l. Provide names and mailing addresses of the performing and requesting parties accounting offices.
- m. Identify total estimated cost of work or services to be reimbursed.
- n. Include billing information.
- o. Provide for a certification that goods or services have been received.
- p. Include general, business, and technical provisions of the agreement.
- q. Specify that the reimbursable work will neither commence in advance of nor continue in the absence of budgetary resources.



- r. Provide for reimbursement to DOE for risks resulting from termination and environmental cleanup.
  - s. Provide for signature by an appropriately authorized representative of the requester.
  - t. State DOE's specific legal authority available under which the work is to be accepted and performed.
2. APPLICABLE ONLY WHEN FEDERAL, STATE, OR STATE POLITICAL SUBDIVISIONS ARE INVOLVED. Specify requester statutory or legal authority cited under which reimbursable work is being requested.

Canceled