



**E.O. LAWRENCE BERKELEY NATIONAL
LABORATORY**

**Protocol for
Proposing and Adopting
Alternative Work Standards to
DOE Contractor Requirements Documents**

Effective Date: _____

Proposing and Adopting Alternative Work Standards to DOE Contractor Requirements Documents

Background

The DOE's Berkeley Lab is operated by the University of California under a management and operating agreement, [Contract No. DE-AC02-05CH11231](#). Clause I.79 of this agreement (Attachment A) requires all contractor work performed for Berkeley Lab to comply with applicable federal, state and local laws and regulations, including DOE rules and regulations. Those DOE rules and regulations with specific applicability to the activities of Berkeley Lab have work performance criteria defined in the Contractor Requirements Document section of each and they are collectively appended as [Appendix I](#) to the governing Contract. Under Contract Clause I.79, Laboratory work must comply each applicable Contractor Requirements Document (CRD) unless the DOE Contracting Officer approves the substitution of an alternative work standard in place of the CRD as a result of the process allowed under Contract Clause H.18 (Attachment B) and described by this protocol.

Clause H.18 of the Berkeley Lab contract prescribes the process for substituting a CRD alternative; a process whereby the contractor proposes a specific CRD alternative substitution with: descriptions of the nature and scope of the alternative; anticipated Berkeley Lab benefits; implementation schedule for the alternative work standard; and an assurance from the Laboratory Director that the alternative meets the CRD's objectives. Adoption of a CRD alternative is contingent upon Contracting Officer approval of the substitution proposal and upon mutual acceptance of DOE changes or stipulations to the alternative's implementation for Berkeley Lab work.

Purpose

This protocol will describe and help guide the work steps and overall work flow necessary for the process of proposing and, subsequent to obtaining written DOE Contracting Officer approval, adopting CRD alternative work standards at Berkeley Lab.

Key Participants in the Process

Contracting Officer (CO) – The DOE Berkeley Site Office authorized official having responsibility and authority for accepting or rejecting the substitution of CRD alternatives resulting from this protocol.

Berkeley Lab Subject Matter Expert (BLSME) – the Laboratory designated individual directly responsible for a CRD alternative will lead all efforts in developing the scope, descriptions, and specifications of the alternative work requirement; compiling the estimated benefits or efficiency savings attributed to the alternative, designing the alternative's site specific implementation plan and schedule; and drafting the Laboratory Director's assurance document.

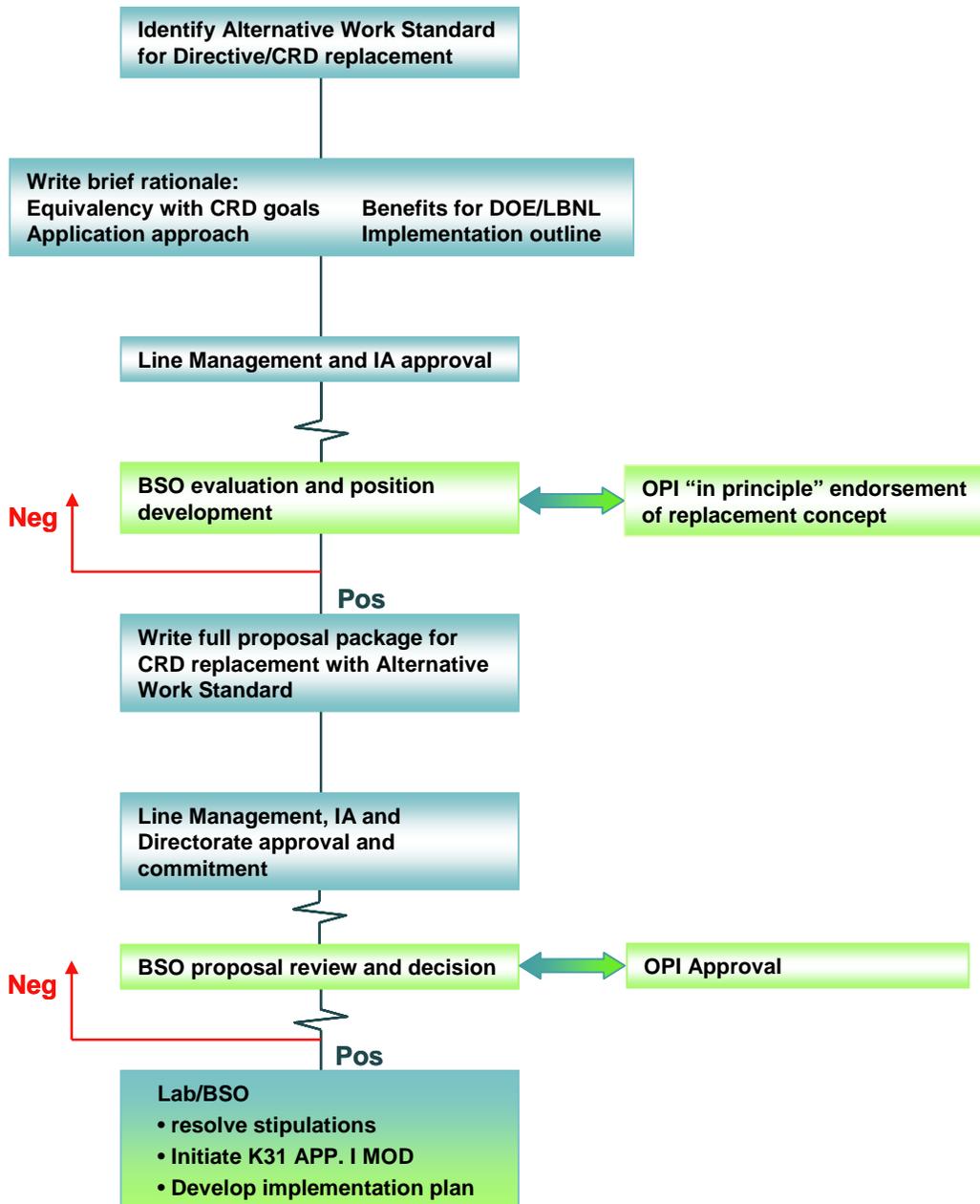
Berkeley Site Subject Matter Expert (BSSME) – the Berkeley Site Office assigned representative for a CRD being considered under this protocol will advise BSO

management and critically interface with the corresponding BLSME for more efficient and effective process work and a high quality process output.

CRD Office of Primary Interest (CRDOPI) – DOE’s office having lead overall responsibility for authoring, promulgating, and overseeing implementation of a specific directive’s CRD.

Process Steps Overview (See Figure below)

1. BLSME identifies candidate alternative work requirement to substitute for a targeted CRD.
2. BLSME constructs pre-proposal rationale for substituting the alternative, including: equivalency of work objectives to CRD; conceptual benefits; application method, scope, and issues for LBNL; and planned approach and schedule for implementation.
3. BSSME reviews and evaluates BLSME pre-proposal submittal; develop BSO position on CRD alternative substitution plan; and obtain preliminary CRDOPI endorsement of Berkeley Lab plans.
4. BLSME develops complete proposal package for Lab review and final submittal to DOE on substituting an alternative work requirement for a specific CRD governing Berkeley Lab activities.
5. BSSME and CO review submittal and develop DOE decision and formulate response to LBNL
6. BLSME and BSSME discuss and resolve (if any) conditions, revisions, or stipulations accompanying an approved proposal; and initiate the steps (see Reference#3 Procedure) for adopting the CRD alternative.
7. BLSME and BSSME develop an implementation plan and schedule for the CRD alternative.



Process Detailed Description

This process is followed at Berkeley Lab for proposing and adopting an alternative work standard as a substitute for the contractor work requirements specified in the CRD of a DOE directive. The process covered by this protocol may be initiated by any of the following occurrences:

- Identification of a potentially viable alternative standard of work
- Benchmark comparisons with the work of other peer institutions
- Modified LBNL facilities, infrastructure, systems or work actions necessitating work requirement changes

- DOE issued changes to a CRD
- DOE issues a new Directive and CRD

To start this process, the BLSME must first quantitatively evaluate the potential value to DOE and LBNL of substituting the identified alternative work requirement for a DOE directive's CRD. The potential value can be in terms of: cost or labor efficiency; Lab business or operational effectiveness; enhanced institutional characteristics such as safety, stewardship, public good will, etc.; or other demonstrable value-added results to be realized.

The cognizant BLSME proceeds to outline the rationale for substituting the CRD's alternative work standard in order to obtain appropriate line management endorsement of the concept's goals and of the resource expenditures for this endeavor. The outline should include (at a bullet-information level) minimal justification of: equivalency of proposed alternative work standard in meeting the objectives of DOE's required CRD; magnitude of potential benefits and the period or probability of realizing same; envisioned LBNL site application method, scope, and issues for proposal; and conceptual approach and timing for eventual CRD work requirement replacement by implementation of the alternative work standard.

With line management approval and direction, the BLSME compiles and constructs a pre-proposal for discussion with the BSSME counterpart. The pre-proposal provides sufficient data and reasons for each of the items cited in the BLSME's proposal outline to be evaluated by LBNL management and by BSO representatives.

The BSSME, having duties corresponding to the subject matter, analyzes the pre-proposal, develops a preliminary BSO position on the matter and obtains an indication from the cognizant HQ officer (CRDA) as to the acceptability, in principle, of not complying with the subject CRD as the sole Berkeley Lab work requirements document for this subject area.

Given a "GO" from responsible LBNL, BSO and HQ managers, the BLSME writes the complete CRD-Alternative proposal package as stipulated by Clause H.18. The proposal provides the data and logic sufficient for BSO (BSSME, CO and involved others) to fully understand and evaluate all aspects of and implication from the adoption of a CRD alternative standard.

Attachment A

CLAUSE I.79 - DEAR 970.5204-2 LAWS, REGULATIONS AND DOE DIRECTIVES (DEC 2000)(DEVIATION)

- (a) In performing work under this contract, the contractor shall comply with the requirements of applicable Federal, State, and local laws and regulations (including DOE regulations), unless relief has been granted in writing by the appropriate regulatory agency. A List of Applicable Laws and Regulations (Appendix I/List A) may be appended to this contract for information purposes. Omission of any applicable law or regulation from Appendix I/List A does not affect the obligation of the contractor to comply with such law or regulation pursuant to this paragraph.
- (b) The Contractor will perform the work of this Contract in accordance with each of the Contractor Requirements Documents (CRDs) appended to this Contract as "Appendix I", until such time as the Contracting Officer approves the substitution of an alternative procedure, standard, system of oversight, or assessment mechanism resulting from the process described in the clause of this contract, entitled, "Application of DOE Contractor Requirements Documents".
- (c) Except as otherwise directed by the Contracting Officer, the contractor shall procure all necessary permits or licenses required for the performance of work under this contract.
- (d) Regardless of the performer of the work, the contractor is responsible for compliance with the requirements of this clause. The contractor is responsible for flowing down the requirements of this clause to subcontracts at any tier to the extent necessary to ensure the contractor's compliance with the requirements.

Attachment B

CLAUSE H.18 - APPLICATION OF DOE CONTRACTOR REQUIREMENTS DOCUMENTS

- (a) Performance. The Contractor will perform the work of this Contract in accordance with each of the Contractor Requirements Documents (CRDs) appended to this contract as "Appendix I," until such time as the Contracting Officer approves the substitution of an alternative procedure, standard, system of oversight, or assessment mechanism resulting from the process described below.
- (b) Laws and Regulations Excepted. The process described in this clause shall not affect the application of otherwise applicable laws and regulations of the United States, including regulations of the Department of Energy.
- (c) Deviation Processes in Existing Orders. This clause does not preclude the use of deviation processes provided for in existing DOE directives.
- (d) Proposal of Alternative. The Laboratory Director may, at any time during performance of this contract, propose an alternative procedure, standard, system of oversight, or assessment mechanism to the requirements in a listed CRD by submitting to the Contracting Officer a signed proposal describing the nature and scope of the alternative procedure, standard, system of oversight, or assessment mechanism (alternative), the anticipated benefits, including any cost benefits, to be realized by the Contractor in performance under the contract, and a schedule for implementation of the alternate. In addition, the Contractor shall include an assurance signed by the Laboratory Director that the revised alternative is an adequate and efficient means to meet the objectives underlying the CRD. Upon request, the Contractor shall promptly provide the Contracting Officer any additional information that will aid in evaluating the Contractor's proposal.
- (e) Action of the Contracting Officer. The Contracting Officer shall within sixty (60) days:
 - (1) deny application of the proposed alternative;
 - (2) approve the proposed alternative, with conditions or revisions;
 - (3) approve the proposed alternative; or
 - (4) provide a date by which a decision will be made (not to exceed an additional 60 days).
- (f) Implementation and Evaluation of Performance. Upon approval in accordance with (e)(2) or (e)(3) above, the Contractor shall implement the alternative. In the case of a conditional approval under (e)(2) above, the Contractor shall provide the Contracting Officer with an assurance statement, signed by the Laboratory Director, that the revised alternative is an adequate and efficient means to meet the objectives underlying the CRD. Additionally, the statement shall describe any changes to the schedule for implementation. The Contractor shall then