

**PROPOSED CONTRACTING OFFICER GUIDELINES AND
PROCEDURES FOR IMPLEMENTING DEAR 952.204-75: “PUBLIC
AFFAIRS (DEC 2000)” REQUIREMENTS FOR M&O CONTRACTOR
COMMUNICATIONS ACTIVITIES
08/17/2004**

Media Relations

Contractors share with Department the responsibility to inform the public about activities funded by DOE. This means that communications and outreach activities appropriate to the contractor’s role in fulfilling the Department’s Science and other missions be developed and effectively carried out, in coordination with DOE, as noted below. These activities are primarily intended to support mission accomplishment and to enhance public understanding of Science and its importance to the Nation. DOE also expects contractors to be forthright about mishaps, accidents or other adverse incidents occurring at DOE facilities or involving DOE-funded projects.

In carrying out these activities, contractors should coordinate all non-routine public information releases with the Contracting Officer (CO) and the DOE Public Affairs Officer providing support to that Site Office. This individual may be stationed in the associated Site Office or at the supporting Chicago or Oak Ridge public affairs office, as appropriate. This coordination is to assure accuracy, appropriateness, and consistency with Departmental policy. These offices will assure that appropriate coordination with the Office of Science and other DOE elements takes place. Non-routine announcements, oral and written, that should be coordinated with DOE include: statements involving DOE policy, information on programmatic developments; announcements of new discoveries; and any other with potential programmatic or political impacts.

DOE also asks that contractors keep the CO and supporting public affairs officer informed about media interest in contractor activities. Anticipated visits by major media, planned press briefings and other significant media activities should be coordinated with CO and public affairs officer in advance of the event. If contractor public affairs staff are in doubt about the significance of an event or proposed announcement, they should contact the appropriate Public Affairs Officer in the Site, Chicago, or Oak Ridge Office for clarification and guidance (depending on where the public affairs support originates.) For major developments DOE or the Administration may wish to make a national governmental announcement, or to join its contractors in a joint release.

Information sharing and coordination under this section should be provided to the CO and Public Affairs Officer as soon as possible for sensitive or “breaking” news situations, including inquiries from national news media, in which significant regional or national news media coverage of activities being carried out under the contract is likely to result. Routine information should be provided at least weekly, by Friday morning, to permit inclusion in Weekly Communications Report submitted by DOE field offices to the HQ Office of Public Affairs, Office of Science, and other interested internal organizations.

Nothing in these guidelines is intended to interfere with the normal interchange of scientific information among and between scientists through professional meetings, scholarly publications and the like. It is recognized that such interchange may also result in public disclosure of non-classified scientific and technical information without the contractor's knowledge or participation. DOE expects, however, to be promptly informed through the processes detailed here whenever a contractor learns of events likely to result in significant regional or national news media coverage of DOE-funded activities.

As is current practice at most CH contractor facilities, the Contracting Officer may designate the appropriate Public Affairs Office as a single point of contact for all such public affairs coordination. In this case the DOE Public Affairs Officer will be responsible for informing and coordinating with the CO.

Emergency Planning

All contractors are responsible for assuring that public affairs considerations are taken into account in their organization's emergency planning activities. Specific requirements are detailed in DOE Order 151.1A "Comprehensive Emergency Management System" and the associated Guide. This supplement identifies contractor organizations for which site-specific public affairs emergency plans are required. Other contractors are expected to follow the general guidance of these orders in their emergency planning activities.

In addition to the development of formal plans for specified sites, DOE Order 151.1 requires that

- Information be periodically distributed to state and local emergency planning organizations on potential hazards and emergency response;
- Coordination meetings be held with state and local public affairs emergency planning contacts, periodic drills take place to test public affairs emergency plans; and
- Public information activities take place to keep local residents informed about contractor/DOE programs and activities.

Specific activities to be carried out will vary from site to site, depending on the requirements of each plan to test public affairs emergency plans, and the site-specific need for general public information activities to inform the community about hazards. DOE and its contractors will take a graded approach in fulfilling the requirements of 151.1 at laboratory sites, depending on hazards and other circumstances.

Intergovernmental / Congressional Relations

All contractors are responsible for keeping the CO and Public Affairs Officer informed of highly visible, potentially controversial, or otherwise significant non-routine interactions with federal, state and local officials on issues/problems relative to programs and projects under their jurisdiction.

DOE expects its contractors to assure that the CO and Public Affairs Officer are informed of significant interactions with members of Congress and staff involving the work activities under the contract. Advance notification of planned visits by members of Congress, requests for

briefings or testimony, or other requests of a significant or sensitive nature should be provided to the CO and Public Affairs Officer as soon as possible to assure appropriate coordination. Copies of testimony and/or Congressional briefing materials will be promptly provided to DOE for information. Information about routine contacts, requests for information or assistance may be provided after the fact as part of the contractor's Weekly Communications Report.

As in the case of media coordination, the Contracting Officer may designate the Public Affairs Officer as a single point of contact for all such Intergovernmental and Congressional coordination. In this case the Public Affairs Officer will take responsibility for informing and coordinating with the CO.

It is understood by DOE and its contractors that, in accordance with applicable contract provisions, activities that can be construed to be or give the appearance of "lobbying" are not to be carried out with DOE funds. Interactions with Congress will be limited to responding to requests for information and assistance, providing information upon request, arranging visits and briefings when requested, and other appropriately responsive activities.

Separate requirements for reporting to the contracting officer on lobbying with non-appropriated funds about work carried out under the contract are addressed in FAR 52.203-12 LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (JUN 1997).

Other than the above requirements, a contractor's "corporate" communications with Congress - addressing its own organizational objectives and utilizing its own resources or other non-appropriated funds - are not covered by this guideline.

NOTE: As specified in Acquisition Letters (ALs)) and related instructions, HQ/Congressional Affairs requires information on DOE pending awards and M&O contractor subcontract awards requiring DOE consent AT LEAST 48 HOURS/ prior to contract execution or notification of the recipient, depending on the type of award. For subcontracts, this notification should be made through the contracting officer using the procurement coordination system established for this purpose.

VIP Visits and Contacts

DOE expects to be routinely informed regarding contacts and visits to its facilities by dignitaries and other individuals of public interest, notoriety, or controversy. This notification should be made in advance of any visits through the weekly reporting mechanism if time permits, or directly to Public Affairs Officer and/or CO, as determined by process determined by the CO for that facility.