



# U.S. Department of Energy

Oak Ridge Office

ORO O 250 Chapter XI Change 2
-------------------------------------

DATE: 08/22/2006

---

**SUBJECT: DELEGATIONS AND AGREEMENTS**

---

1. PURPOSE. This Chapter delineates and assigns responsibility and accountability and describes the methodology within Oak Ridge Office (ORO) to appropriately track and provide web access to Secretarial Delegations of Authority (SDOAs), Delegations of Authority (DOAs) (external to Department of Energy [DOE]), Oak Ridge Office Delegations of Authority (ORODs), Memorandums of Understanding (MOUs), Memorandums of Agreement (MOAs), and Authorization Agreements (AAs). This Chapter also provides guidance for developing and formatting ORO Delegations. Nothing in this Chapter changes any requirements contained in any DOE Directive.
2. CANCELLATION. This Chapter cancels and replaces ORO O 250, Chapter XI, Change 1, DELEGATIONS OF AUTHORITY, MEMORANDUMS OF UNDERSTANDING, AND AUTHORIZATION AGREEMENTS, dated April 18, 2006.
3. APPLICABILITY. This Chapter applies to the Federal Staff at ORO.
4. RESPONSIBILITIES.
  - a. Manager.
    - (1) Receives a SDOA or a DOA from a DOE Headquarters (HQ) senior management official. If so stated within the Delegation, this authority may be further delegated by memo to an ORO Assistant Manager and/or to a lower-level managerial position.
    - (2) Provides copies of SDOAs and DOAs, ORODs, MOUs, MOAs, AAs, and other Agreements to Directives Management Group (DMG) no later than five working days after the document is signed and approved.
  - b. Assistant Managers.
    - (1) Receive SDOA or DOA from the ORO Manager or DOE HQ Senior Management Official, and if stated, delegates further by memo.
    - (2) Provide copies of SDOAs, DOAs, ORODs, MOUs, MOAs, AAs, and other Agreements to DMG no later than five working days after the document is signed and approved.

- c. Divisions of Primary Interest (DPIs) and Principal Staff provide copies of SDOAs, DOAs, ORODs, MOUs, MOAs, AAs, and other Agreements to DMG no later than five working days after the document is signed and approved.
- d. Team Leader, Directives Management Group develops and maintains web access to Delegations of Authority and MOUs, MOAs, and other Agreements, which are readily accessible to ORO Staff and contractors through the DMG Home Page and provides links to web pages for AAs and other Agreements.

5. REQUIREMENTS AND PROCEDURES.

- a. Delegations. Three different kinds of Delegations of Authority are being utilized at ORO. These are SDOAs, DOAs, and ORODs.
  - (1) The first and highest level is the SDOA which is a legal instrument used to transfer authority granted to the Secretary of Energy by statute, Executive Order, or regulation to an Assistant Secretary, Head of a Department Element, or Field Element. The authority to delegate these high-level responsibilities is provided to the Secretary by statute 5 U.S.C. Section 302. These authorities are normally assigned through formal memorandum from HQ to the Field.
  - (2) Delegations of the first and highest level can also be Delegations of Authority from other Federal agencies such as the Office of Personnel Management, the Occupational Safety and Health Administration, and the Environmental Protection Agency, etc.
  - (3) The second level of Delegation of Authority is from the Head of the Field Element (or Manager) to an Assistant Manager of the Field Element who, if it is found necessary and feasible, can then in turn re-delegate to ORO staff or contractor staff at the field level, as appropriate. These are called ORODs (for example, see Attachments 1 and 2).

DMG maintains a current database and historical, hard-copy library of all provided Delegations. Additionally, this database and the documents are accessible from the DMG Home Page. Also, DOE HQ Secretarial Delegations of Authority are available online at the DOE Directives Portal.

- b. Agreements. There are many different types of Agreements made within the DOE. Most of the Agreements are either MOUs or MOAs. These different types of agreements and arrangements of work are governed by Public Law 98-216; OMB Circular A-97; U.S. Code Title 31, Part 1535; and U.S. Code Title 42, Part 2051
  - (1) An MOU is an Agreement between DOE organizations and non-DOE organizations which broadly states basic understandings and describes a mechanism for coordinating activities to be engaged in by the Department and other signatory authorities. It is not limited to understandings with Federal agencies, but may include local, State, international, tribal, other Government entities, the private sector, or educational institutions. An MOU is not a binding contract. It cannot be used to obligate or commit funds or be the basis for the transfer of funds from one agency to another.

- (2) An MOA is an Agreement between DOE organizations. If a commitment, obligation, or transfer of funds is required, a specific MOA or Interagency Agreement shall be developed between DOE and the participating organization.
  - (3) Types of Agreements currently maintained by DMG are Common Response Plans, Interagency Agreements, Lease Agreements, Master Agreements for Service, Mutual Aid Agreements, Mutual Agreements, Mutual Agreements with Implementation Plan, MOAs, Memorandums of Cooperation, MOUs, Participation Agreements, Programatic Agreements, Service Arrangements, Service Agreements, Supplemental Agreements and Service Plans, Statements of Intent, and Statements of Principles. DMG maintains a current database and historical, hard-copy library of all provided Agreements with ORO and its organizations. Additionally this database and the documents are accessible from the DMG Home Page.
- c. Authorization Agreements. AAs prepared by the contractors are documented agreements between DOE and the contractor that define the authorization basis for a defined scope of work. The AA contains key terms and conditions (controls and commitments) under which the contractor is authorized to perform work. AAs are more thoroughly discussed in ORO O 420, Chapter XI, AUTHORIZATION AGREEMENTS. DMG maintains a historical, hard-copy library of all provided AAs with Oak Ridge Office and its organizations. Additionally a listing of AAs with links to the contractor's AAs web sites is accessible from the DMG Home Page.

6. REFERENCES.

- a. Public Law 95-91, DEPARTMENT OF ENERGY ORGANIZATION ACT, Section 642.
- b. Public Law 98-216, REVISIONS, TITLE 31 AND 49, U.S.C. MISCELLANEOUS AMENDMENTS.
- c. U.S. Code Title 5, Part I, Chapter 3, Section 301, DEPARTMENTAL REGULATIONS.
- d. U.S. Code Title 5, Part I, Chapter 3, Section 302, DELEGATION OF AUTHORITY.
- e. U.S. Code Title 31, Subtitle II, Chapter 15, Subchapter III, Part 1535, AGENCY AGREEMENTS (originally titled, ECONOMY ACT OF 1932), as amended by Public Law 98-216.
- f. U.S. Code Title 42, Chapter 23, Division A, Subchapter III, Part 2051, RESEARCH AND DEVELOPMENT ASSISTANCE.
- g. U.S. Code Title 42, Chapter 84, Subchapter VI, Part C, Section 7252, DELEGATION.
- h. Office of Management and Budget (OMB) Circular A-97, RULES AND REGULATIONS, dated August 29, 1968.
- i. DOE-HDBK-1188-2006, GLOSSARY OF ENVIRONMENT, SAFETY AND HEALTH TERMS, dated January 2006 (available online at <http://www.eh.doe.gov/techstds/standard/hdbk1188/doe-hdbk-1188-2006.pdf>).

- j. ORO O 250, Revision 8, STANDARDS MANAGEMENT PROGRAM, dated April 18, 2006, ALL CHAPTERS, and any subsequent revisions.
- k. ORO O 420, Chapter XI, Change 1, AUTHORIZATION AGREEMENTS, dated January 18, 2005, and any subsequent revisions.

7. DEFINITIONS.

- a. See Attachment 2 of ORO O 250, Chapter I, ORO STANDARDS MANAGEMENT PROGRAM OVERVIEW, of this Directive, for a glossary of terms used in the ORO Standards Management Program.
- b. Below are additional definitions extracted from DOE-HDBK-1188-2006, GLOSSARY OF ENVIRONMENT, SAFETY AND HEALTH TERMS.
  - (1) **ACCOUNTABILITY.** The state of being liable for explanation to a superior DOE official for the exercise of authority. Ultimate accountability is to the Secretary, who may delegate authority or share responsibility for specified actions. The delegate of an authority is accountable to the delegating responsible authority for the proper and diligent exercise of that authority. Responsibility differs from accountability in that a responsible official "owns" the function for which he or she is responsible; it is an integral part of his or her duties to see that the function is properly executed, to establish criteria for the judgment of excellence in its execution, and to strive for continuous improvement in that execution. A responsible official is associated with the outcomes of the exercise of authority regardless of whether it was delegated, and regardless of whether the designee properly followed guidance. Accountability, on the other hand, involves the acceptance of the authority for execution (or for further delegation of components of execution), by using guidance and criteria established by the responsible authority.
  - (2) **AUTHORITY.** The basis under which a DOE employee is empowered to take an action. Such actions include approval of a proposal, stopping work, or directing a contractor to perform work. The basis for an authority may be a public law, a DOE directive, or the written delegation of the responsible authority empowered by such a basis.
  - (3) **AUTHORITY HAVING JURISDICTION (AHJ).** The decision making authority in matters concerning fire protection. The DOE Head of Field Organization or designee is the final AHJ unless otherwise directed by the Cognizant Secretarial Officer.
  - (4) **ORDER.** DOE Orders, part of the DOE directives system, are the prevailing means by which DOE identifies management objectives which are requirements for DOE personnel and, when incorporated into contracts, requirements for DOE contractors. Most DOE nuclear safety Orders are in the process of being superseded by regulations. Orders on nuclear safety will continue to be upgraded and issued on an interim basis since the rulemaking process can be lengthy.
  - (5) **RESPONSIBILITY.** The state of being liable for the outcome of the exercise of an authority granted by law, regulation, or directive. Responsibility cannot be delegated although the associated authority may be.

- c. **DOE SECRETARIAL DELEGATIONS.** At the Department of Energy, the Secretarial Delegation of Authority is the legal instrument used to transfer authority granted to the Secretary of Energy by statute, executive order or proclamation, or regulations issued by other executive branch agencies (such as the Office of Management and Budget, the Office of Personnel Management, and the General Services Administration), to an official within the Department. The Secretary may authorize successive re-delegations of authority within the Department as he or she may deem to be necessary or appropriate. The authority to delegate is provided to the Secretary by statute (including Section 642 of Public Law 95-91, DEPARTMENT OF ENERGY ORGANIZATION ACT [42 U.S.C. 7252, DELEGATION]; and 5 U.S.C. Section 301, DEPARTMENTAL REGULATIONS). (Source: DOE Secretarial Delegations Home Page [<http://www.directives.doe.gov/delegations/index.html>])
  - d. **OAK RIDGE OFFICE DELEGATIONS.** Delegations of Authority from the Head of the Field Element (or Manager) to an Assistant Manager of the Field Element who, if it is found necessary and feasible, can then in turn re-delegate to ORO staff or contractor staff at the field level, as appropriate. (Source: ORO O 250, Chapter XI)
  - e. **REQUIREMENT.** Activities that must be performed to fulfill the Department's mission, law, or regulations. (Source: DOE M 251.1-1B)
8. CONTRACTOR REQUIREMENTS DOCUMENT. None.
9. ATTACHMENTS.
- a. Attachment 1 – Example Of Oak Ridge Office Delegation Of Authority Memo [Memo From ORO Manager To ORO Assistant Manager]
  - b. Attachment 2 – Example Of Oak Ridge Office Delegation Of Authority Memo [Memo From ORO Assistant Manager To ORO Division Director]

**EXAMPLE OF OAK RIDGE OFFICE DELEGATION OF AUTHORITY MEMO  
[MEMO FROM ORO MANAGER TO ORO ASSISTANT MANAGER]**

DATE: August 28, 2006

TO: John T. Dough, Assistant Manager for Facilities Management, FM-70

FROM: Fred R. Jones, Manager, ORO, M-1

SUBJECT: DELEGATION OF AUTHORITY FOR BETHEL VALLEY ACCESS PROPERTY  
MANAGEMENT

REFERENCE: Memorandum from James Boulder to Fred Jones, "Bethel Valley Access Property  
Management," dated August 17, 2006.

In accordance with the provisions of James Boulder's memorandum dated August 17, 2006, subject as above, you are delegated authorities for property management as contained in the referenced Headquarters Delegation memorandum. This delegation covers authority to take such actions necessary for appropriate maintenance and management of the Bethel Valley Access Property, subject to limitations contained in the attached Delegation Order. These authorities may be carried out by you in accordance with assigned duties and responsibilities.

EFFECTIVE DATE: August 30, 2006

TERMINATION DATE: August 30, 2007

Fred R. Jones  
Manager

Attachment(s)  
Memo Boulder to Jones, dtd 8/17/2006

cc w/attachment(s):  
DOE-HQ, Office of Facilities and Property Management, FM-80  
James A. Boulder, FM-80  
Wayne Albaugh, AD-440

**EXAMPLE OF OAK RIDGE OFFICE DELEGATION OF AUTHORITY MEMO  
[MEMO FROM ORO ASSISTANT MANAGER TO ORO DIVISION DIRECTOR]**

DATE: August 29, 2006

TO: Maria K. Cortez, Director, Facilities and Property Management Division, FM-71

FROM: John T. Dough, Assistant Manager for Facilities Management, FM-70

SUBJECT: DELEGATION OF AUTHORITY FOR BETHEL VALLEY ACCESS PROPERTY  
MANAGEMENT

REFERENCE: (1) Memorandum from James Boulder to Fred Jones, "Bethel Valley Access Property  
Management," dated August 17, 2006.  
(2) Memorandum from Fred Jones to John Dough, "Delegation of Authority for Bethel  
Valley Access Property Management, dated August 28, 2006.

In accordance with the provisions of James Boulder's memorandum dated August 17, 2006, and the Fred Jones' memorandum dated August 28, 2006, both referenced above, you are delegated authorities for property management as contained in those memorandums. These delegations cover authority to take such actions necessary for appropriate maintenance and management of the Bethel Valley Access Property, subject to limitations contained in the attached Delegation Orders. These authorities may be carried out by you in accordance with assigned duties and responsibilities.

EFFECTIVE DATE: August 30, 2006

TERMINATION DATE: August 30, 2007

John T. Dough  
Assistant Manager for Facilities Management

Attachment(s)

- (1) Memo Boulder to Jones, dtd 8/17/2006
- (2) Memo Jones to Dough, dtd 8/30/2006

cc w/attachment(s):

DOE-HQ, Office of Facilities and Property Management, FM-80  
James A. Boulder, FM-80  
Wayne Albaugh, AD-440