

**ATTACHMENT J.7**

**APPENDIX G**

**PURCHASING SYSTEM REQUIREMENTS**

**Applicable to the Operation of  
Ernest Orlando Lawrence Berkeley National Laboratory**

**Contract No. DE-AC02-05CH11231**

## **Appendix G**

### Purchasing System Requirements

This Appendix and Clause I.114, "Contractor Purchasing System," sets forth DOE requirements applicable to the Purchasing System established under the Contract for the management of Ernest Orlando Lawrence Berkeley National Laboratory.

#### Subcontracts Not Binding on DOE

As used herein, the term "subcontracts" includes subcontracts, purchase orders, letter agreements, basic ordering agreements, consultant agreements, micro-purchases, EDI and FACNET transactions, and lower tier subcontracts under cost-type subcontracts (in an unbroken cost-type chain) that represent costs properly chargeable to the Prime Contract.

All applicable subcontracts shall be made in the name of the Contractor, shall not bind or purport to bind the Government, shall not relieve the Contractor of any obligation under the Prime Contract (including, among other things, the obligation to properly supervise and coordinate the work of subcontractors), and shall contain such provisions as are required by this Contract or as DOE may prescribe based on Federal statutes and regulations, or DOE Orders and Policies.

#### DOE Approval

Prior DOE written approval is required for the following actions:

1. Advanced Acquisition Plans, Solicitations, and awards of Subcontracts valued at \$10,000,000 or greater, including any subsequent modification that increases the total estimated costs at or above \$10,000,000.
2. Except as otherwise expressly provided or directed, in writing, by DOE Patent Counsel with notification to the Contracting Officer, actions which involve any one of, or combination of, the following intellectual property matters:
  - a. Acquisition of software by negotiated lease or license;
  - b. Purchase of patents or patent license rights, including the payment of royalties and permits, or license fees;
  - c. Recognition of proprietary rights, including the recognition of technical data as trade secrets; or,
  - d. Any restriction of DOE's use of data procured under a subcontract.

3. Inter-Contractor Purchases (ICP's) with estimated costs exceeding \$1,000,000.00, including any subsequent modification that increases the total estimated costs.
4. The purchase of utilities defined as: steam, gas, electricity, telephone lines, water and sewage furnished to campus building space occupied by LBNL-funded personnel.
5. Updates to Subcontract General Provisions (GPs) or Standard Practices (SPs) as a result of changes to the federal regulations or contract DE-AC02-05CH 11231 are pre-authorized as administrative changes. Substantive changes to GPs or SPs will be submitted to the Contracting Officer (CO) for approval. All administrative changes in the SPs or GPs will be provided to the CO at least 5 business days prior to the release.
6. Intra-University Transactions (IUT) with estimated costs exceeding \$1,000,000.00 including any subsequent modification that increases the total estimated costs. Any IUT modification that extends the period of performance more than 5 years.

The above approval requirements do not eliminate any other requirement for review, concurrence, or approval of other proposed actions specified in the subject contract or DOE's right to require consent on any single or class of purchasing actions selected for special surveillance.