



Department of Energy

Washington, DC 20585

March 2, 2011

MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM:

INGRID KOLB
DIRECTOR
OFFICE OF MANAGEMENT

A handwritten signature in black ink, reading "Ingrid Kolb", is written over the typed name and title.

SUBJECT:

Working Effectively with Contractors

The Department of Energy (DOE) depends on contractors to provide vital support in achieving our mission. Their contributions are critical to accomplishing our goals in such important areas as energy research and development, weapons production, stockpile management, and environmental remediation and restoration.

Although contractors are integral to our mission accomplishment, we must respect the roles we each have in contract performance. DOE defines deliverables and the contractors determine how to best perform the work. With rare exception, DOE officials should not direct contractors' selection or termination of employees. Giving such direction alters the traditional allocation of contractual responsibilities between the Government and its contractors, diminishing our ability to hold our contractors accountable. In some instances, Federal officials who encourage or direct the hiring of a specific individual are misusing their federal positions.

Adherence to this separation of roles does not, however, mean that federal officials should refrain from providing feedback to contractors about their performance through the appropriate channels, including providing feedback to the contractor about inappropriate behavior or performance concerns caused by specific contractor employees. In some cases, the contract between DOE and the contractor requires or authorizes the contractor to obtain DOE's input on or approval of certain employee selections, but these are limited and pertain to specialized circumstances such as key personnel. DOE officials are not prohibited from providing feedback to the contractor in courtesy interactions preceding the contractor's hiring of high-level executives, but should exercise restraint in such matters to ensure that the hiring decision remains the contractor's.

This is not a simple area. Any questions should be immediately referred to the Office of the Assistant General Counsel for Procurement and Financial Assistance (GC-61) and the Office of Procurement and Assistance Management (OPAM). In addition, GC and MA/OPAM are available to speak with your managers about proper procedures for working with contractors.

