

The Service Level Agreement - 9/2/2010

Between

The Environmental Management Consolidated Business Center (EMCBC)

And

The Carlsbad Field Office (CBFO)

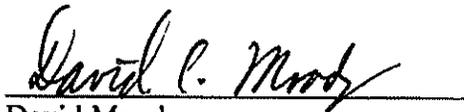
The attached document provides the roles and responsibilities, authorities, and working relationships between the EMCBC and the CBFO. This Service Level Agreement shall remain in effect until such time as it is amended by the EMCBC Director and the CBFO Manager.

Approved:



Terrance J. Brennan
Acting Director, EMCBC

9/13/2010
Date



David Moody
Manager, Carlsbad Field Office

9/13/10
Date

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Introduction

The Assistant Secretary for Environmental Management, Department of Energy (DOE/EM), is responsible for the safe, efficient and effective clean-up, stabilization and remediation of nuclear and hazardous waste materials and contamination resulting from prior activities of DOE and its predecessors. Activities related to this mission are conducted at many locations around the nation and are typically staffed with federal and contractor personnel that possess technical, business, logistic, and administrative expertise.

The Carlsbad Field Office (CBFO) is responsible for the management of DOE/EM TRU Waste Disposal Program activities at the Waste Isolation Pilot Plant (WIPP) and various sites in DOE including related quality assurance, characterization, and transportation activities. As one of several business support improvement initiatives, EM will be providing support to CBFO in several functional areas from a Consolidated Business Center (EMCBC) located in Cincinnati, Ohio. The EMCBC's mission is to provide centralized business support services to selected EM sites such as CBFO allowing CBFO resources to focus on effectively executing its TRU Waste mission.

Through this support, EM will 1) provide the continuous, stable business support services to the CBFO as defined in this agreement, 2) achieve economies of scale through standardization and streamlined operations and, 3) permit EM to better utilize its resources for front-line cleanup activities.

EMCBC Operational Strategy

Business support services must be available to the CBFO to achieve major project schedule EM milestones. The EMCBC will provide defined business support services to CBFO. Under this model, CBFO will continue to have mission responsibility, with the EMCBC holding specific business authorities in support of CBFO and providing support in other business services. CBFO can focus their resources on project and technical management, and oversight of CBFO contractors. Attributes of the EMCBC operational strategy include the following:

- Stable business support for a variety of customers with differing project mission requirements and differing business support requirements;
- Ability to support multiple customers in different time zones;
- Combined use of federal employees and support service contractors (as required) to support customers;
- Optimization of FTEs between the EMCBC and its customers;

- CBFO site personnel performing functions as defined in this agreement with respect to business services, with support from functional business specialists and necessary support staff for peak workloads and specific tasks residing at EMCBC;
- An EMCBC travel budget to support planned and unscheduled customer site visit requirements.

The EMCBC will establish itself as an effective liaison between DOE headquarters and CBFO, when required, supporting the needs of both, but always representing the CBFO's interests and serving as the CBFO advocate. Whenever requested, the EMCBC will accomplish headquarters' taskings on behalf of CBFO, especially when it comes to routine documentation or reporting requirements in business areas as agreed between CBFO and the EMCBC. To improve customer support and realize operational cost objectives, the EMCBC will develop standardized functional processes, procedures and policies with the concurrence of CBFO as appropriate.

Service Approach

A cooperative business support responsibility exists between the EMCBC and CBFO as defined in this agreement. In general, EMCBC business support functions include Human Resources Management, Contracting/Procurement, Financial Management, Cost Estimating & Analysis, Information Resource Management (often referred to as "IT"), Legal Services, Logistics Management, EEO/Diversity and Employee Concerns Programs, Technical Services (the "Closure Cadre" primarily), Records Management and Office of Legacy Management (LM) transition.

Human Resources

The EMCBC Office of Human Resource (OHR) will provide HR services consisting of Human Resources Management functions, including position classification, recruitment and placement, compensation, employee relations, benefits, training and development, personnel action processing, and electronic Official Personnel Folder management. Line management for CBFO holds primary authority and makes determinations with respect to employee selection and placement, staffing level requirements, development and application of performance standards; administration of employee awards within the appropriate award pool, training requirements and requests/recommendations for personnel actions. The EMCBC Director maintains position classification and appointing authority, which has been redelegated to the EMCBC Assistant Director, Office of Human Resources.

The CBFO will have a designated employee who will coordinate with the EMCBC OHR staff in accomplishing HR services. All CBFO requests for approval under EM-HQ hiring controls will be coordinated and processed through the EMCBC OHR prior to submission to HQ-EM. CBFO has authority to fill all positions approved in writing by the EM-HQ Human Capital and Budget organizations, and the EMCBC will support the recruitment and placement of employees in those positions. All CBFO HR actions will

be processed by the EMCBC OHR consistent with applicable Federal, DOE and EMCBC regulations, policies and procedures and within timeframes specified in the EMCBC OHR Customer Service Standards provided at Attachment 1 to this agreement.

Contracting/Procurement

The Department of Energy (DOE) Senior Procurement Executive approved the establishment of a single EM Head of Contracting Activity (HCA) and delegated that authority to the Deputy Assistant Secretary for Acquisition and Project Management (EM-80) on November 15, 2007. Accordingly, EM-80 has delegated specific HCA functions and responsibilities to the EMCBC Assistant Director, Office of Contracting, which includes procurement authority within specified monetary levels for EM requiring activities. While EM-80 is the HCA in support of the CBFO mission, the Manager of the CBFO is responsible for day-to-day contract administration and oversight of the CBFO contracts through Contracting Officers (COs), Contract Specialists (CSs), and Contracting Officer Representatives (CORs) located in the CBFO and reporting to the CBFO Office of Business. These personnel will perform contracting, purchasing and assistance activities in accordance with EMCBC policies and procedures and within delegated authorities. Additionally, the EMCBC Assistant Director, Office of Contracting will support functional accountability by providing input into the performance appraisals of operational contracting staff who are assigned to CBFO. The Office of Contracting, EMCBC will provide support to the Manager of the CBFO in achieving the goals and objectives of the CBFO.

The CBFO Manager may make determinations consistent with those authorities delegated by the HCA. For those areas not delegated by the HCA, the Manager of the CBFO and EMCBC Office of Contracting will work together to develop and implement solutions that achieve the objectives established by the Manager of the CBFO. These areas include, but are not limited to, decisions with respect to administration of CBFO contracts (e.g., fee determinations, requests to show cause, contract extensions, etc).

The EMCBC Office of Contracting Review Team will provide the primary independent review function for the CBFO for sales, contract, financial assistance, and subcontract actions within specified monetary levels.

Pursuant to EM HCA memorandum dated April 16, 2010, the EMCBC Assistant Director, Office of Contracting is delegated Federal Procurement Director responsibilities for Procurement/Contract actions at/for CBFO. These responsibilities will be executed through a series of procedures which are applicable to all delegated actions.

The EMCBC Office of Contracting will provide support in specific areas, including, but not limited to:

- Assistance in contract, grant, and cooperative agreement award, administration, modification, termination, and closeout;

- Assistance in entering into agreements committing the Department to the sale of products and other services, including funds-in interagency agreements and other agreements providing reimbursable work for others;
- Assistance in all areas of contractor human resource management programs (compensation, benefits, labor relations and workforce transition), including review of contract deliverables and providing recommendations to the Contracting Officer, and coordinating HQ's data calls covering the program areas;
- Coordinating HCA approval of warrant levels for CBFO COs for acquisition, assistance, and sales transactions; documenting Contracting Officer Warrants and Contracting officers' Representative appointments; developing and maintaining plans, policies, and procedures applicable to the procurement and acquisition support processes;
- Managing and maintaining the Federal Procurement Data Systems (e.g., STRIPES, CPARS, FPDS, etc.) and Subcontracting Reporting System;
- Administering the Small Business Programs;
- Managing the Acquisition Career Development Program in accordance with DOE Order 361.1B; and
- Providing cost and price analysis regarding pre-award proposals, post-award proposals, Requests for Equitable Adjustments, and fee actions such as draft fee plans, payments of Performance Based Incentives, and determinations of award/incentive fee earned. Support CBFO procurement teams, Federal Project Directors, and Contracting Officers as requested in conducting cost/price analysis and in establishing pre-negotiation and final negotiation objectives.

Financial Management

The EMCBC will be the allottee for the CBFO. The Manager of the CBFO holds primary authority and makes determinations with respect to establishing budgetary requirements, priorities, expectations, and execution; lifecycle baseline priorities; and project management in support of the CBFO's mission. Financial, budget, and internal review personnel located in the CBFO will report to the Manager of the CBFO. The EMCBC will provide financial management support, in the following areas:

The Budget Division will assist, as requested, in the execution, analysis, and preparation of budget submission materials; provide administrative control of funds; develop and maintain budget planning activities and budget controls; and interface with the DOE Chief Financial Officer (CFO), as well as support the DOE CFO interface with Office of Management and Budget (OMB) and congressional committees on appropriations and other budget-related matters. The division will also periodically report the status of financial resources and results of operations, and will develop reports to support internal and external requirements regarding the financial activity and the integrity of fiscal operations. Additionally, the division will support budget development, and presentation strategy and materials as requested in cooperation with other programs and field offices for submitting DOE/EM's annual budget submission to Congress.

The Finance and Review Division will ensure that financial data is recorded accurately and on time in accordance with applicable accounting principles and standards, and that financial reports are accurate, timely, and reliable. The Division also will promote the effective, efficient, and economical operation of its customers' programs and operations through contractor reviews, audit liaison activities, and management control assessments.

Specifically the Division will establish and provide advice on financial policies and general procedural requirements for Federal accounting and reporting. The Division will direct accounting and consolidated financial reporting, including environmental liability reporting, with emphasis on contributing to the issuance of financial statements that receive an unqualified audit opinion, as well as provide accounting services for supported sites, including payroll services, travel reimbursement, and contractor oversight. The Division will process Permanent Change of Station obligations as needed. Further, the Division will provide key support in analyzing accounting and financial issues, and recommending and/or implementing appropriate resolutions. The Division will also be responsible for liaison activities with both internal and external audit/review organizations such as the General Accounting Office (GAO), the Defense Contract Audit Agency (DCAA), and DOE Inspector General. The Division will provide assistance and meaningful financial analysis information to senior managers, program, and site entities. The Division will provide oversight through objective financial analysis and management reviews, developing and tracking financial performance measures, and administering the Management Control Program. Through contractor reviews, the Division will ensure appropriate performance measures/metrics are incorporated into contracts. The Division will coordinate the annual Federal Managers' Financial Integrity Act (FMFIA) review, and support the "Whistleblower" Program.

The Project Management, Planning and Controls Division may provide as requested support to CBFO through the consistent interpretation and implementation of DOE project management/execution policies, Orders (e.g., DOE Order 413.3A) and guidance across the DOE Complex. The Division Director leads a staff of individuals with subject matter expertise in the areas of project management, scheduling, engineering, business administration, accounting and marketing.

Cost Estimating & Analysis

The mission of the EMCBC Office of Cost Estimating and Analysis (OCE&A) is to establish standards, policy, and procedures to ensure that EM cost and schedule estimates are accurate, traceable, and reliable; develop Independent Government Cost Estimates and provide Independent Cost Estimating (ICE), and Independent Cost Analysis (ICA) capability to support EM acquisition and project management program requirements; provide independent cost estimating and analysis support to EM management, the EM Acquisition Advisory Board (EMAAB), and EM budget formulation processes; and lead the development and management of cost and schedule databases, methodologies, and tools needed by EM to improve and standardize its cost estimating and analysis capabilities.

The core cost estimating and analysis functions the EMCBC OCE&A can provide to the CBFO include:

- Acquisition Support
 - Performing life-cycle cost analyses
 - Preparing Independent Government Cost Estimates (IGCE)
 - Perform reasonableness or technical review of costs for contractor-submitted proposals
 - Provide cost engineering support to Acquisition-related Source Evaluation Boards or Contracting Officers
 - Support Contract Close-out activities by capturing actual project costs and integrating actual project cost data to the EM Environmental Cost Analysis System (ECAS)
- Project Planning & Execution Support
 - Support Federal Project Directors (FPD) and serve on Integrated Project Teams (IPT)
 - Provide direction and oversight for contractor-developed cost estimates
 - Prepare Independent Cost Estimates (ICE)
 - Perform Independent Cost Reviews (ICR)
 - Support risk management planning activities
 - Establish project-specific CE&A requirements (tailoring)
 - Support performance evaluation activities ~ trend & cost variance analysis

OCE&A will provide assistance and support to the Project Director/Site Manager as requested using the EMCBC Corporate Activity Resource Request (CARR) procedure.

Information Resource Management

The EMCBC Office of IRM is responsible for policy, procedures, orders and implementation guidance for activities related to information systems and for assisting the CBFO in IRM related activities including: telecommunications, radio, telephone, and video conferencing services, unclassified computer security, budget analysis, cyber security, hardware and software maintenance and support, telecommunications support, help desk, training, and systems and work flow support.

CBFO will retain day-to-day management direction of the CBFO IRM program and the existing IRM staffing allocation of an Information Management Specialist – CIO (GS-13-301). The CBFO IRM staff will report to the CBFO Office of Business. The EMCBC Information and Resource Management organization will support the aspects of DOE Information Management as needed and noted above with the CBFO information management staff. The EMCBC Assistant Director for Information and Resource Management will serve as the point of contact for these activities.

Logistics Management

The Personal Property Team will support and assist in the conduct of required and for-cause physical inventories of personal property, and for accountability of assets under the management and control of the Project/Site office in accordance with the Federal Property Management Regulations. This also includes management of Federal property assigned to the Project/Site office which may involve activities as: acquisition planning; identification and markings; property administration; automated inventory records system; physical inventories; reporting requirements; and, disposition and reutilization.

The Personal Property Team will perform contract administration services for personal property in the possession of contractors which includes activities such as: acquisition planning; post-award conferences; contract property transition; initial and periodic property management system reviews; property administration and oversight; reporting requirements; property reutilization; contract closeouts and terminations; and, site closure.

The Personal Property Team will provide vehicle fleet management support of fleet operations and maintenances; initial authorizations and fleet capacity changes; vehicle disposition/replacement; and, reporting requirements.

The Real Property Team will perform Real Estate acquisitions and other life cycle management activities of real property by a certified realty specialist. Real Property management activities include acquisition, management, utilization, accounting, reporting and disposal of real property. Real estate actions must be reviewed and approved by a DOE Certified Realty Specialist (CRS) before executing the action. The Real Estate team will provide CRS support for all real estate management functions identified above on an as required or requested basis.

The Environmental Safety Health & Quality Team provides comprehensive and high quality services and support to the EMCBC, small and closure sites, and the DOE Complex. The ESH&Q team provides services and support in Regulatory Compliance, Safety Management Systems, Quality Systems, Environmental Management Systems, Contractor Assurance, Technical Support and DOE Oversight Assistance.

The Performance Assurance Team provides comprehensive and high quality service and support to the EMCBC, small and closure sites, and the DOE Complex. The Performance Assurance team will meet or exceed customer's expectations in producing services and support in the areas of Personnel and Physical Security, Emergency Management, Waste Management, Transportation Management and Records Management. Service and Support will be provided in concert with Contractor Assurance and DOE Oversight requirements.

The Classification Office Team provides DOE support, document reviews, and contractor oversight activities related to classification and declassification related tasks, expertise in the review of information owned by the EMCBC and Legacy Management (under a MOU) for classified and sensitive information, a technical consulting resource to

the DOE complex in the field of nuclear weapons design, fabrication and attendant disciplines, assist HQ and other sites with investigations and reviews, sensitive document and record review/handling, classified scanning operations, and records disposition.

Legal Services

The Chief Counsel, Office of Legal Services (OLS), will function as a member of the EMCBC senior management staff under the general management of the EMCBC Director. The OLS will provide legal advice and guidance to the EMCBC Director and the staff. The Chief Counsel will also function as the manager/supervisor of the legal staff. CBFO will retain day-to-day management direction of the CBFO local counsel(s). Although local counsels are assigned to the CBFO they will maintain a professional reporting relationship with the OLS Chief Counsel. All legal services are rendered under the professional oversight of the Department's General Counsel.

The mission of the OLS is to provide attorney and paralegal services as needed to resolve legal issues arising at the CBFO. These legal matters may include administrative, contract, environmental, personnel and general law issues; ethics; Equal Employment Opportunity (EEO); issues related to divestiture activities in anticipation of, and preparation for, site closure; and, litigation, judicial or administrative, arising from facility operational and programmatic activities. The OLS will function as legal counsel to the CBFO, providing advice, representation and support as required to address legal matters as they arise from the CBFO site operations. As requested by CBFO, OLS will provide support for the CBFO in the execution of their responsibilities in the areas of the Freedom of Information Act (FOIA); Privacy Act requests; Energy Employee Occupational Illness Compensation Program (EEOICPA); and, request for documents under discovery in litigation claims, FOIA, Privacy Act, EEOICPA or in other procedural matters.

EEO/Diversity

The Assistant Director, EMCBC Office of Civil Rights and Diversity (OCRD), plans, manages, and executes all aspects of Equal Employment Opportunity (EEO)/Diversity Programs for the CBFO. The EMCBC OCRD holds primary jurisdiction for processing EEO complaints of discrimination in accordance with 29 CFR Part 1614. The EMCBC OCRD provides full-service support to include EEO/Diversity Programs, Affirmative Action Programs, oversight of EEO operations by DOE contractors, and administer the Employee Concerns Program (ECP) serving as the DOE-HQ liaison for ECP documentation, actions and/or reports. The CBFO Federal Project Director and the EMCBC OCRD will collaborate to develop and implement effective strategies for complaint resolution, mitigation and effective EEO/diversity actions and/or issues. The OCRD will manage and administer the CBFO's EEO/Diversity program from the EMCBC Office located in Cincinnati, OH, and scheduled on-site programmatic compliance reviews will be conducted.

Responsibilities and services to be performed include, but are not limited to:

- **EEO Compliant of Discrimination**
 - EEO complaint activities/actions are processed and tracked in compliance with regulations, laws and procedures.
- **Affirmative Action Programs**
 - Prevent discrimination and eliminate barriers that impede free and open competition; monitor progress, identify areas where barriers may exist to exclude certain groups and develop strategic plans to eliminate those identified barriers.
 - Provide Special Emphasis Program (SEP) support; assist and advise management on matters relating to employment opportunities for minorities, women, persons with disabilities, and disabled veterans; promotes EEO and diversity principles by developing special activities and/or observances.
 - Provide Mandatory EEO training (sexual harassment, EEO updates, etc.) for EMBC and Customer Sites' managers and employees in accordance with DOE Order 311.1B
- **Secretarial Initiatives**
 - Implement and coordinate the participation and/or involvement in Secretarial Diversity Initiatives as defined by DOE-HQ, e.g., Secretary of Energy Diversity Awards, Report to the Secretary on Diversity Accomplishments, EEO and diversity policy guidance, etc.
- **Educational/Community Outreach Programs**
 - Increase the level of participation and involvement in education/community outreach activities, and partner with Customer Sites on national outreach programs/projects emanating from DOE-HQ (e.g., Secretary's Community Service Award).
- **Employee Concerns Program**
 - Identify, investigate and respond to employee concerns in timely manner to improve safety, the work environment and productivity. Allow a free and open expression that results in an independent and objective avenue for addressing employees' concerns or allegations regarding the environment, safety, health and management issues.
- **Diversity Contractor Oversight**
 - Assess the Customer Sites contractors' EEO and diversity programs to ensure compliance with DOE contract requirements, procedures, and Appropriate Federal regulations, Contractor Acquisition Guidance Letters, and FAR and DEAR clauses.
- **Diversity Recruitment**
 - Manage and execute the EMCBC's and Customer Site's diversity recruitment program. Coordinate recruitment efforts to target highly qualified and diverse entry-level candidates for positions in the EMCBC's Student Intern Program, DOE Scholars Program, EMCBC Career Intern Program, and the EM Professional Development Corps.

Technical Services

The Assistant Director for Technical Services will serve primarily as the supervisor to the EM Cadre staff and report to the EMCBC Director. The EM Cadre staff is currently assigned to designated projects throughout EM and is using specific closure knowledge and experience to support the completion of EM mission requirements. Once their work is completed at the currently designated projects they will be redeployed to other EM critical needs. The EMCBC will serve as the home office to these technical resources and will work with EM management at HQ and in the field to assure that they are working in areas that most benefit the EM complex. These staff members may be reassigned to projects for long periods of time or may be deployed for short durations depending on the needs of the project that requires the technical support.

The EMCBC will make these resources available to support CBFO when they become available and as requested where their expertise can be used in completing CBFO's mission. The EMCBC Assistant Director, Office of Technical Services will serve as the point of contact for CBFO for potential use of the EM Cadre resources.

EMCBC Customer Service Standards: Office of Human Resources, EMCBC

Maintains open and continuous communication with customers; listens to their needs; provides clear, complete, and correct information; provides updates as each situation warrants; notifies customers of problems promptly; and sets mutual realistic dates with customers for completion of assignments.

Provides experts advise managers and supervisors on various Human Resource functions, e.g., staffing, classification, employee relations, training and benefits.

Uses flexible approaches for Human Resource activities – Thinks “out of the box” while ensuring merit principles and regulations are met. Identifies and explains the full range of options and alternatives to managers and supervisors on actions in progress.

References and applies human resource laws, regulations, policies and procedures, as well as internal agency tools and reports.

Attachment 1

OFFICE OF HUMAN RESOURCES Customer Service Standards	
ACTION	STANDARD*
Classification	
Completes position review (desk audit)	Within 60 workdays after receipt of completed position classification survey from affected employee
Completes classification of submitted position description	Within 5 workdays after receipt of final position description and cover sheet certified by supervisor
Recruitment and Placement	
Posts vacancy announcements	Within 10 workdays after receipt of complete recruitment package (SF-52, classified position description, job analysis and crediting plan)
Issues final selection certificate	Within 5 workdays after receipt of SME ratings
Makes tentative offer	Within 3 workdays after receipt of selection certificate from manager
Makes official offer	Within 13 workdays of candidate's acceptance of tentative offer
Reviews and processes non-recruitment staffing actions (e.g., changes in tours of duty, reassignments, change to lower grades, details, etc.)	Within 10 workdays following receipt of SF-52 in OHR. If all qualification and other regulatory requirements are met, action is effective no later than the beginning of the next pay period immediately following completion of processing.
Employee Relations	
Drafts memos, proposed notices, decision letters in accordance with laws, regulations, and policies	Within 7 workdays of completion of investigation/fact gathering based on the allegations and supporting documentation
Performance Management	
Completes review of performance awards	Within 7 workdays of receipt from customer

Provides consultative advice regarding performance plans	Within 7 workdays of receipt of customer request
Drafts performance assistance or performance improvement plan	Within 7 workdays of completion of fact-finding based on supporting documentation

Benefits	
Reviews, authorizes and processes benefit forms (includes faxing forms to health benefit carriers)	Within 7 workdays of receipt from customer
Prepares benefits packages for separating employees	Within 5 workdays prior to date of separation
Prepares retirement estimate	Within 7 workdays of request from customer
Conducts retirement counseling	Within 2 workdays of request from customer
Finalizes retirement package	Within 30 days prior to retirement
Leave Administration	
Processes advance sick leave requests	Within 3 workdays of receipt of completed request
Provides counseling and benefits options for extended LWOP	Within 2 workdays of notification
Processes Voluntary Leave Transfer Program applications for regulatory compliance and requests donations for approved applications	Within 2 workdays of approval
Telework	
Completes review of telework package	Within 14 workdays of receipt from customer
Training	
Completes regulatory review of training request	Within two days after request is approved by employee's supervisor
Forwards training announcements	Within two days after notification

*Time frames may be altered as a result of changed staffing levels, client requirements, priorities established by management, and/or new policies and procedures. Actions not submitted in a timely manner will cause delays in processing.