

Energy Policy Act Implementation

[Reference: Section 3021(a) of the Energy Policy Act, (Pub. L. 102-486), DEAR 926.70]

Overview

This section discusses the general requirements of section 3021(a) of the Energy Policy Act of 1992 (EPACT) in the award of contracts for EPACT work and provides a list of budget line items that may be EPACT related.

Background

Section 3021(a) of the Energy Policy Act provided that the Department should award not less than 10 percent of the total combined amounts obligated for contracts and subcontracts in the performance of EPACT work to certain target groups.

These target groups are small business concerns owned and controlled by socially and economically disadvantaged individuals or by women, historically black colleges and universities, or colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans.

Determinations

A crucial part of meeting DOE's statutory duty under section 3021(a) is a determination of which procurements are EPACT requirements. Those procurements form the basis upon which the 10 percent goal is computed. The requestor has the responsibility to identify on the procurement request form whether the specific procurement is an EPACT requirement.

EPACT work involves any award that directly satisfies an Energy Policy Act program or requirement. Attached is a list of DOE budget line items that are most likely to involve EPACT work. This list makes the job of recognizing EPACT work easier for the requestor and for the Contracting Officer.

The fact that a particular procurement falls within one of the budget line items listed does not necessarily mean that the procurement is an EPACT procurement. The fact that the funds for a given procurement do not come from one of the listed budget line items does not necessarily mean that the procurement is not EPACT related. Each determination must be made on a case-by-case basis. The requestor must confirm that the procurement, in fact, is an EPACT requirement.

Best Practices

As one step in determining whether a given procurement is an EPACT requirement, the requestor consults the attached list. If the funds come from one of the listed budget line items, there is an increased likelihood that the requirement will accomplish an EPACT program or requirement, and is, therefore, an EPACT procurement.

Attachment

The attached listing identifies EPACT covered programs.