

**Argonne National Laboratory Prime Contract****Part I. Section H. Special Contract Requirements**

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*Last revised: September 29, 1999*

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**Clause H.10 - Additional Items of Allowable and Unallowable Costs**

## ITEMS OF ALLOWABLE COSTS:

- (a) Subject to the approval or ratification, in writing, of the Contracting Officer, reasonable litigation and other legal expenses (including reasonable counsel fees and the premium for bail bond) if incurred in accordance with the clause of the contract entitled "Insurance--Litigation and Claims" and the DOE approved Contractor litigation management procedures (including cost guidelines) as such procedures may be revised from time to time and if not otherwise made unallowable in this contract necessary to defend adequately any member of the Contractor's internal guard force against whom a civil or criminal action is brought, where such action is based upon lawful act or acts of the guard undertaken by him in the general course of his duties for the purpose of accomplishing and fulfilling the official duties of his employment.
- (b) Rentals and leases of land, buildings, and equipment owned by third parties, allowances in lieu of rental, charges associated therewith and costs of alteration, remodeling and restorations where such items are used in the performance of the contract, except that such rentals and leases directly chargeable to the contract shall be subject to such approval by the Contracting Officer as set forth in Part III, Attachment J.7, Appendix G.
- (c) Stipends and payments made to reimburse travel or other expenses of researchers and students who are not employed under this contract but are participating in research, educational or training activities under this contract to the extent such costs are incurred in connection with fellowship, international agreements, or other research, educational or training programs approved by the Contracting Officer.
- (d) Payments to educational institutions for tuition and fees for researchers and students who are not employed under this contract or institutional allowances in connection with fellowship or other research, educational or training programs.
- (e) To the extent not compensated by insurance approved by the Department of Energy, and subject to the same provisions and Department approvals as stated elsewhere in this contract, the Laboratory shall be reimbursed its costs for the following:
  - (i) Payment for the legal defense of employees who are sued for errors, omissions or actions taken within the scope of their employment.
  - (ii) Payment of judgments, court costs or of settlements of claims against employees when the judgments or claims arise from errors, omissions or actions taken within the scope of their employment.

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For the purposes of this section "employees" shall be deemed to include members of the Board of Governors and members of the Human Studies Review Committee. Service on the Board or Committee shall be deemed to constitute employment.

- (f) Costs incurred or expenditures made by the Contractor, as directed, approved or ratified by the Contracting Officer and not unallowable under any other provisions of this contract.
- (g) Net cost of operating plant-site lodging facilities attributable to the performance of the contract.

#### ITEMS OF UNALLOWABLE COSTS:

- (a) Premium Pay for wearing radiation-measuring devices for Laboratory and all-tier cost-type subcontract employees.