

- (a) The Company shall pay the Seller's costs incurred under this Agreement for transportation, lodging, meals, and incidental expenses related to subsistence in accordance with the provisions of this article.
- (b) **Definitions.**
- (1) **Lodging.**
- (i) The term "lodging" includes expenses for overnight sleeping facilities; baths; personal use of the room during daytime; and service charges for fans, air conditioners, heaters, and fires furnished in rooms when such charges are not included in the room rate.
 - (ii) The term "lodging" does not include accommodations on airplanes, trains, buses, or vessels. The cost of accommodations furnished aboard common carriers is included in the transportation cost and is not considered a subsistence expense.
- (2) **Meals.** Expenses for breakfast, lunch, and dinner (specifically excluded are alcoholic beverage and entertainment expenses, and any expenses incurred for other persons).
- (3) **Incidental Expenses Related to Subsistence.**
- (i) Fees and tips to waiters and waitresses, porters, baggage carriers, bellhops, hotel maids, dining room stewards or stewardesses, and others on vessels, and hotel servants in foreign countries.
 - (ii) Laundry and cleaning and pressing of clothing.
 - (iii) Transportation between places of lodging or business and places where meals are taken.
 - (iv) Telegrams and telephone calls necessary to reserve lodging accommodations.
- (4) **Subcontractor Domestic Extended Personnel Assignment.** Any assignment of subcontractor personnel to a domestic location different than their normal duty station for a period expected to exceed 30 consecutive calendar days.
- (c) **Lodging Costs.**
- (1) Except as provided in paragraph (g) and (h) below, the Seller will be reimbursed for actual lodging costs incurred in accordance with its established travel policy to the extent that such amount does not exceed the "maximum lodging amount" allowed by 41 CFR Chapter 301 in effect at the time of travel as set by:
- (i) the General Services Administration (GSA) for travel in the Continental United States (CONUS) in applicable Federal Travel Regulation Per Diem Bulletins issued periodically by the Office of Governmentwide Policy, Office of Transportation and Personal Property, [Travel Management Policy](#);
 - (ii) the Department of Defense (Per Diem, Travel and Transportation Allowance Committee [PDTATAC]) for non-foreign areas in Per Diem Bulletins issued by PDTATA periodically in the Federal Register or Internet at <http://www.defensetravel.dod.mil>; or
 - (iii) the Department of State for foreign areas in a per diem supplement to section 925, Department of State Standardized Regulations (Government Civilians-Foreign Areas).
- (2) Notwithstanding the above in (c), in special or unusual circumstances, actual lodging costs in the business city in excess of the maximum per diem rate under 41 CFR Chapter 301 are allowable provided that such amounts do not exceed 300% of said rate. For amounts greater than the allocable per diem rates to be allowable, all of the following conditions must be met:
- (i) a written justification for use of the higher amounts must be approved by an authorized individual or designee of Seller's organization to ensure the authority is properly administered and controlled to prevent abuse.
 - (ii) the written justification for use of the higher amounts must be approved by an authorized individual(s) or designee(s) of Company.

- (iii) documentation to support actual costs incurred shall be included with the Government Travel Exemption Form, noting receipts are required for each expenditure in excess of \$75.
 - (iv) no amount over 300% of the allocable per diem rate for the business city will be authorized for payment.
- (d) **Meals & Incidental Expenses (M&IE).**
- (1) Except as provided in paragraph (g) below, the Seller will be reimbursed for meals and incidental expenses related to subsistence in accordance with its established travel policy to the extent that such amount does not exceed the "M&IE Rate" allowed by 41 CFR Chapter 301 in effect at the time of travel as set by:
- (i) the General Services Administration for travel in the Continental United States (CONUS) in applicable Federal Travel Regulation Per Diem Bulletins issued periodically by the Office of Governmentwide Policy, Office of Transportation and Personal Property, [Travel Management Policy](#);
 - (ii) the Department of Defense (Per Diem, Travel and Transportation Allowance Committee [PDTATAC]) for non-foreign areas in Per Diem Bulletins issued by PDTATA periodically in the Federal Register or Internet at <http://www.defensetravel.dod.mil>; or
 - (iii) the Department of State for foreign areas in a per diem supplement to section 925, Department of State Standardized Regulations (Government Civilians-Foreign Areas).
- (2) For the days travel begins and ends, the allowance will be 75% of the applicable M&IE Rate.
- (e) **Airfare Costs.** Airfare costs in excess of the lowest customary standard, coach, or equivalent airfare offered during normal business hours are unallowable except when such accommodations require circuitous routing, require travel during unreasonable hours, excessively prolong travel, result in increased cost that would offset transportation savings, are not reasonably adequate for the physical or medical needs of the traveler, or are not reasonably available to meet mission requirements. However, in order for airfare costs in excess of the above standard airfare to be allowable, the applicable condition(s) set forth above must be documented and justified. Transportation aboard personally- or privately-owned aircraft is not allowed, and the costs of such transportation are not reimbursable.
- (f) **Motor Vehicle Costs – Personally Owned Vehicle.** The Seller may elect to travel by a personally owned motor vehicle; in which case, the Seller will be reimbursed for the use of the vehicle in accordance with its established travel policy to the extent that such amount does not exceed the privately-owned vehicle mileage reimbursement rate allowed by the Federal Travel Regulation based on actually reported odometer readings. If the Seller elects to travel by a personally owned motor vehicle, reimbursement for lodging, meals, and incidental expenses related to subsistence for travel time will be limited to such reasonable period of time that would be required if common carriers were used.
- (g) **Motor Vehicle Costs – Rental Vehicle.** The Seller may elect to travel by a rental vehicle in accordance with [41 CFR 301-10.450](#) when it is determined that use of a rental vehicle is advantageous to the Company. Travelers must use the least expensive compact car available, unless an exception for another class of vehicle is approved. A rental car is to be used only for official purposes.
- (h) **Commuting.** When the traveler's residence or regular place of business is in the same commuting area as the place of performance of the subcontract work, the costs of commuting are not reimbursable, and no payments for lodging, meals, and incidental expenses related to subsistence will be made.
- (i) **Domestic Extended Personnel Assignment.** For the first 60 days and last 30 days of the assignment, the Company will reimburse costs associated with lodging at the lesser of actual cost or 100% of the Federal per diem rate at the assignment location. The intervening days will be reimbursed at the lesser of actual cost or 55% of Federal per diem. For the first 30 days and last 30 days of the assignment, the Company will reimburse costs associated with meals and incidental expenses (M&IE) at the lesser of actual cost or 100% of the Federal per diem rate at the assignment location. Otherwise, the Company will reimburse these costs at the lesser of actual cost or 55% of Federal per diem.
- (j) **Foreign Travel.** Foreign travel shall be in accordance with DOE Order 550.1, Official Foreign Travel, or any subsequent version of the order in effect at the time of award and must be approved by the Department of Energy before departure

takes place. Foreign travel is defined as any travel from the United States (including Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories and possessions of the United States) to a foreign country and return or between foreign countries. A foreign travel request must be submitted by the Company's designated Technical Project Officer via ORNL Foreign Travel Management System (FTMS) 45 days before the departure date for each individual trip. This allows ORNL to submit Foreign Travel Requests for approval via the DOE FTMS at least 30 days (when possible) prior to the planned departure date for sensitive and non-sensitive countries. An email from the DOE sponsor does not constitute proper DOE approval, official DOE approval must be received from the DOE FTMS system. Questions regarding foreign travel may be addressed to the Company's Foreign Travel Office at 865-241-5225.

(k) Preference for U.S.-Flag Air Carriers.

(1) As used in this paragraph (j)-

- (i) "Gateway airport abroad" means the airport from which the traveler last embarks en route to the United States or at which the traveler first debarks incident to travel from the United States.
- (ii) "Gateway airport in the United States" means the last U.S. airport from which the traveler's flight departs or the first U.S. airport at which the traveler's flight arrives.
- (iii) "International air transportation" means transportation by air between a place in the United States and a place outside the United States or between two places both of which are outside the United States.
- (iv) "U.S.-flag air carrier" means an air carrier holding a certificate under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371).

(2) The Seller must use U.S.-flag air carriers for international air travel and transportation of personal effects or property unless:

- (i) A U.S.-flag air carrier cannot provide the international air transportation needed, or
- (ii) Use of U.S.-flag air carrier service would not accomplish DOE's mission, or
- (iii) U.S.-flag air carrier service is not available.

(3) For travel between a gateway airport in the United States and a gateway airport abroad, passenger service by U.S.-flag air carrier shall not be considered available if-

- (i) The gateway airport abroad is the traveler's origin or destination airport and the use of U.S.-flag air carrier service would extend the time in a travel status, including delay at origin and accelerated arrival at destination, by at least 24 hours more than travel by a foreign-flag air carrier; or
- (ii) The gateway airport abroad is an interchange point and the use of U.S.-flag air carrier service would require the traveler to wait six hours or more to make connections at that point, or if delayed departure from, or accelerated arrival at, the gateway airport in the United States would extend time in a travel status by at least six hours more than travel by a foreign-flag air carrier.

(4) For travel between two points outside the United States, the rules in paragraph (j)(2)(i) and (ii) above shall be applicable, and passenger service by a U.S.-flag air carrier shall not be considered to be reasonably available if-

- (i) Travel by a foreign-flag air carrier would eliminate two or more aircraft changes en route;
- (ii) One of the two points abroad is the gateway airport en route to or from the United States and the use of a U.S.-flag air carrier would extend the time in a travel status by at least six hours more than travel by a foreign-flag air carrier, including accelerated arrival at the overseas destination or delayed departure from the overseas origin, as well as delay at the gateway airport or other interchange point abroad; or
- (iii) The travel is not part of the trip to or from the United States and the use of a U.S.-flag air carrier would extend the time in a travel status by at least six hours more than travel by a foreign-flag air carrier including delay at origin, delay en route, and accelerated arrival at destination.

- (5) For all short-distance travel between a gateway airport in the United States and a gateway airport abroad, or between two points outside the United States, U.S-flag air carrier service shall not be considered available when the elapsed travel time on a scheduled flight from origin to destination airport by foreign-flag air carrier is three hours or less and service by a U.S.-flag air carrier would involve twice such travel time.
- (l) **Invoices.** The Seller shall submit with its invoice, receipts or ticket stubs/ folios (i.e. hotel) for lodging and items in excess of \$75 for fares, registration fees, parking fees, toll charges, automobile rentals, etc. If the invoice includes costs for foreign-flag air travel, the Seller must include a statement on the invoice essentially as follows:

STATEMENT OF UNAVAILABILITY OF U.S.-FLAG CARRIERS

International air transportation of persons (and their personal effects) or property by U.S.-flag air carrier was not available or it was necessary to use foreign-flag air carrier services for the following reasons (see FAR 47.403): [state reasons]: