

Office of Chief Counsel
Office of Science - Chicago Office

**Annual Performance Plan
Fiscal Year 2010**



Alan I. Handwerker
Chief Counsel

Approved:

A handwritten signature in black ink that reads "Alan Handwerker". The signature is written in a cursive style and is positioned over a horizontal line.

Alan I. Handwerker

OCC Revision History

TITLE: OCC Annual Performance Plan (APP)

POINT OF CONTACT: Gwendolyn Johnson, OCC

SCMS MANAGEMENT SYSTEM: Support for SC-CH – Quality Assurance and Oversight – SC Performance Planning and Evaluation, Procedure 1, Preparing and Reviewing the SC Annual Performance Plan (APP)

TO BE UPDATED: Annually

REVISION	DATE	REASON/DRIVER	DESCRIPTION
0-9	Oct 01 – Oct 09	Support for SC-CH Annual Plan	Prepare OCC organizational performance plan
10	Oct 10	FY 2010 Annual Update	Update OCC organizational performance plan

Executive Summary

The FY10 Office of Chief Counsel (OCC) Annual Performance Plan (APP) is a current best estimate of the level of legal and administrative services that OCC will need to provide to Office of Science (SC) and non-SC elements. This includes both General Law (GL) and Intellectual Property Law (IPL) support to other Operations and Field organizations. A large percentage of the FY10 Goals, Objectives and Measures are the same, or very similar to, those that OCC has been tracking for the past several years. This plan flows from and reflects the Goals, Objectives and Measures found in the SC Chicago Office (CH) FY 2010 Annual Performance Plan.

Once again, the biggest manpower demand is reflected in supporting the SC Site Offices in award and administration of Laboratory Management and Operating (M&O) Contracts. Other significant manpower demands are reflected in major SC-CH projects and activities that require OCC personnel support.

OCC Mission:

The mission of OCC is to provide a full range of timely and accurate legal services, to support the mission and responsibilities of SC and other customers. In addition, OCC provides complete intellectual property (IP) legal services to other DOE field elements, as assigned, and through the Freedom of Information Act Officer/Privacy Act Officer (FOIO/PAO), assures access to Government records consistent with national FOIA and Privacy Act requirements. OCC is composed of attorneys, paralegals, technicians, and administrative staff, who work together to achieve the mission and function of the Office. In SC-CH, the FOIO/PAO is a member of OCC. These personnel work proactively and collaboratively with customers, and to the maximum extent possible (consistent with their professional responsibilities) function as if they were an integral part of the DOE customer organization being provided the service.

I. Key Considerations

This APP is based on the following key considerations and assumptions.

1. The SC-Chicago Office (CH) is given responsibility to conclude (1) M&O Contract for BNL in FY10;
2. Other major actions that will require significant OCC support in FY10 include the EA for the Facility for Rare Isotope Beam (FRIB), the Energy Frontier Research Center (EFRC), the new FOA for the Energy HUBS.
3. Litigation and Administrative Proceedings will continue to consume from 1-2 FTE for at least the first part of FY10.
4. Sufficient travel funds are provided for business and training;
5. IPL can continue to utilize support services contracts for patent processing and drafting support.
6. OCC continues with full on-board staffing strength through FY10.
7. OCC support to STRIPES is not required into FY10.

II. Key Customers

The following are the principal external and internal customers of OCC:

EXTERNAL	INTERNAL
HQ General Counsel	The Manager/Office of the Manager
SC and Other HQ Elements	Office of Acquisition and Assistance (ACQ)
Other DOE Field Elements	Site Offices
Department of Justice (DOJ)	SC-CH Matrix Organizations
Freedom of Information Act//Privacy Act (FOIA/PA) Requesters	SC-CH employees (in their official capacities)

Site Offices: ASO, BHSO, BSO, FSO, PSO, AMSO

SC Laboratories: PNNL, LBNL, ANL, BNL, PPPL, FNAL, Ames Laboratory

Non-SC Field Elements/Laboratories (IPL): ID, INL, RESL, EMCBC, GO, NETL (including Albany Research Center), NREL, Yucca Mountain Project Office, WAPA, BPA and ORP

Consistent with the SC-CH concept of "customer service," OCC personnel work proactively and collaboratively with SC-CH elements and other customers. This means that OCC personnel, to the maximum extent possible, consistent with their professional responsibilities, function as if they were an integral part of the SC-CH element being provided the service.

III. Key Functions

OCC services comprise four key functional areas: (1) *Providing Legal Services to the Department of Energy*; (2) *Counseling Individual Employees (in their official capacities)*; (3) *Administering FOIA and Privacy Act Programs*; and (4) *Protecting the Intellectual Property Rights of the Government*. The OCC General Law (GL) and IPL Functional Directories disclose the lead and backup attorneys responsible for various OCC functions.

1. FY 2010 Specific Goals, Objectives, Measures and Targets

The FY10 SC-CH APP lists under certain of its goals the following measures of performance for 10 objectives applicable to the OCC organization, either through unique OCC functions or OCC-required contributions to overall SC-CH functions. OCC has assigned ownership for those 13 measures of performance in the following tables as well. For items that represent joint SC-CH and SC-OR objectives, OCC works with their SC-OR counterparts to achieve to the extent possible consistency between SC-CH and SC-OR functional efforts. Finally, as a service organization, OCC routinely contributes to the achievement of the other numerous goals and objectives of all other SC-CH elements.

NOTE: *Denotes Joint SC-CH and SC-Oak Ridge (OR) Objectives

SC-CH FY10 Goal	OCC High Level Goals	OCC Measures	OCC Targets
<p>1. Effectively exercise all delegated authorities in support of the SC mission/goals</p>	<p>1.1 Provide effective legal representation to resolve judicial and administrative claims in the best interest of the Government</p>	<p>1.1.1 Percentage of litigation deliverables submitted within assigned deadline</p>	<p>100%</p>
	<p>1.2 Complete responses to FOIA and PA requests within statutory/ regulatory timeframes.</p>	<p>1.2.1 Percentage of SC CH on-time FOIA responses (within 20 business days of receipt of valid FOIA request)</p>	<p>90%</p>
		<p>1.2.2 Percentage of SC CH overdue FOIA responses (within additional 20 business days of deadline)</p>	<p>90%</p>
		<p>1.2.3 Average processing time of SC CH overdue responses</p>	<p>20 days</p>
<p>2. Effectively deliver SC service complex needs in accordance with customer expectations and the ISC customer service policy</p>	<p>2.1 Satisfy established customer service standards.</p>	<p>2.1.1 Percentage of customer services standards met.¹</p>	<p>90%</p>
		<p>2.1.2 Frequency of Offsite Customer visits performed.</p>	<p>At least monthly</p>
	<p>2.2 Protect the intellectual property interests of the Government.</p>	<p>2.2.1 Patent applications filed on behalf of DOE</p>	<p>25</p>
		<p>2.2.2 Inventions processed to final disposition</p>	<p>1000</p>
<p>3. Facilitate overall procurement reform within DOE and seek improved procurement planning processes within the Office of Science</p>		<p>3.1.1 Percentage of on-time ACQ reviews (locals) by customer deadline</p>	<p>100%</p>

¹ See Attachment 1

SC-CH FY10 Goal	OCC High Level Goals	OCC Measures	OCC Targets
<p>4. Enhance the SC-CH Quality Management System to continually improve overall ISC operations and customer Satisfaction.</p>	<p>4.1. Improve internal processes</p>	<p>4.1.1 Conduct and report a self-assessment of a function or process on time.</p>	<p>Within 5 days of established deadline.</p>
		<p>4.1.2 FMFIA assessment is completed and reported on time.</p>	<p>On or before established deadline.</p>
<p>6. Facilitate DOE human capital management reform, including further institutionalizing rigorous work force planning throughout the Office of Science</p>	<p>6.1 Identify opportunities for increased efficiency of staffing essential functions.</p>	<p>Timely submission of annual Workforce Staffing Plan to HRS.</p>	<p>Within 5 days of established deadline</p>
<p>8. Support job creation and economic stimulus in accordance with ARRA.</p>	<p>8.1 Meet Processing and Reporting Requirements</p>		

2. OCC Workload Indicators, FY10 Projections, and FY04-FY08 Trending Chart

	FY04	FY05	FY06	FY07	FY08	FY09	FY10 Projected
Major M&O Prime Contract Actions						*4	6
Other Major Actions						*37	30
Litigation and Administrative Proceedings						*18	13
GL Procurement Reviews						*290	275
GL Directives/SCMS Reviews		16	17	10	56	*15	20
GL Other Reviews						*171	200
GL 450 Reviews	187	198	187	187	180	172	185
IP WFO Reviews	187	244	254	183	179	205	200
IP CRADA Reviews	89	71	84	76	45	68	55
IP Contractual Agreement Close-outs	1264	1730	1367	1547	1602	1555	1475
IP Procurement Reviews	7438	7956	6799	7342	6765	6968	6750
IP Copyrights	16	45	32	28	38	32	25
Invention Disclosures Received	1282	1651	1409	1380	1288	1359	1300
Inventions Disposed	913	961	1025	913	1192	1043	1000
Patent Applications Filed	21	25	22	22	31	25	25
Patent Application Amendments Filed				39	44	41	40

	FY04	FY05	FY06	FY07	FY08	FY09	FY10 Projected
Confirmatory Licenses Submitted	398	526	514	591	357	487	450
Waiver Statements of Considerations Forwarded	53	99	46	20	23	29	50
SC-CH FOIA/PA Requests Received	38	42	54	35	54	48	49
SC-CH FOIA/PA Requests Processed	38	36	57	42	53	50	51

*The FY09 numbers and FY10 projections utilize the new GL Workload Indicator and Action Tracking System Code descriptions set forth in the tables in Attachments 2&3. Because in FY08 and prior, different subject descriptions were applied to those Workload Indicators, trending is no longer effective for those fiscal years and instead will commence with FY09 for these categories.

OCC Customer Service Standards from OCC Customer Service Plan

Standard	Measure	Target
I. Professionalism, customer responsiveness, and Timeliness		
<p>OCC will meet deadlines and provide timely advice, both written and oral.</p>	<ul style="list-style-type: none"> • Average IPL review of Work For Others Agreements, Cooperative Research and Development Agreements (CRADAs), and Joint Work Statements • Percentage of above IPL reviews under 3 days • Percentage of OCC-GL and IPL action items complete within 3 days or customer time limit, whichever is longer • Percentage of Office of Government Ethics Form 450 (Confidential Financial Disclosure Form) reviewed within 30 days of receipt of complete information • Percentage of ethics opinions issued within 14 days of request and receipt of complete information from requester • Percentage of litigation deliverables submitted within assigned time limit • Percentage of SC CH on-time FOIA responses (within 20 business days of time limit) • Percentage of SC CH overdue FOIA responses (within additional 20 business days of time limit) 	<p>less than 3 days</p> <p>90%</p> <p>90%</p> <p>100%</p> <p>100%</p> <p>100%</p> <p>90%</p> <p>90%</p>

<p>II. Communication and Accessibility</p> <ul style="list-style-type: none">-OCC staff will return telephone calls and e-mails promptly.-OCC staff will listen to our customers' concerns, will be courteous, professional and treat our customers with respect.-OCC staff will acknowledge our mistakes and prevent the same mistake in the future.-OCC written and oral communications will be clear, accurate, and address our customer's problem or question.-OCC staff will be accessible to our customers, whether face-to-face, by telephone or email.-OCC staff will keep our customers informed of the status of ongoing issues.-OCC will provide our customers with information regarding OCC services and who to contact if our customers have a question, problem, or concern.-OCC staff will keep our customers informed of new developments and trends in various areas of the law. <p>III. Quality of OCC Services</p> <ul style="list-style-type: none">-OCC will deliver quality products and services that meet or exceed our customers' needs and expectations.-The knowledge and skill set of the OCC staff will meet or exceed the needs and expectations of our customers.-The OCC staff will be open to new ideas.-The OCC staff will provide creative problem solving for customer problems, create win-win solutions, provide viable alternative solutions, follow through, and learn from the experience.-OCC staff will identify problem situations up-front and propose workable solutions or options to resolve those problems before they arise.-The OCC staff will actively seek to understand our customers' business needs in order to serve them right the first time.-OCC will provide the types of legal services our customers need.	<ul style="list-style-type: none">• Percentage of OCC Customers satisfied or very satisfied (95%)• Percentage of M&O and non-M&O Board/Panel Chairmen satisfied or very satisfied with OCC support (100%)
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FY 2009 Indicator/Measure Data Source and Correlation

Workload Indicators¹	Data Source	Data Code	Measures
Major M&O Prime Contract Actions	Action Tracking System (GL)	M&O	Chair Satisfaction
Other Major Actions		MAJ	Chair Satisfaction
Litigation/ Administrative Proceedings		LIT	% On-time
GL Procurement Action Reviews (including Locals)		LOC	% On-time
GL Directives/SCMS Reviews		DIR	
GL Other Reviews		REV	
GL 450 Reviews	Ethics Monitoring		% < 30 days
IP WFO Reviews	Action Tracking System (IPL)	WFO	<ul style="list-style-type: none"> • % On-time • Avg Rev Time • % < 3 days
IP CRADA Reviews		CRA	
IP Contract Agreement Close-outs		PCR	
IP Procurement Reviews		CR	
Copyrights		CYR	
Invention Disclosures Received	PATMIS		
Inventions Disposed			Inventions processed to final disposition
Patent Applications Filed			Patent applications filed on behalf of DOE
Patent Application Amendments Filed			
Confirmatory Licenses Submitted			
Waiver Statements of Consideration Forwarded			
SC-CH FOIA/PA Requests Received	FOIA/ PA Tracking System		% On-time
SC-CH FOIA/PA Requests Processed			% Overdue < +20 days

OCC-GL Action Tracking Codes

	Code	Workload Indicator	Subject Description:
Ongoing/Long-Term Actions	M&O	Major M&O Prime Contract (PC) Actions	PC-Related Source Evaluation Boards (SEBs) PC Extensions Major PC Modifications (Mods) Other Major PC-related Actions
	MAJ	Other Major Actions	M&O Contractor Subcontracts (incl. related IRBs/CRBs) Local Contract-Related SEBs Local Contract Terminations Source Evaluation Panels (SEPs) Funding Opportunity Announcements (FOAs) Environmental Assessments (EAs) Site Lease Renewals and Mods Alternative Financing of Facilities Long-term Real Estate Transactions
	LIT	Litigation/ Administrative Proceedings	Equal Employment Opportunity (EEO) Merit Systems Review Board (MSPB) Security Administrative Reviews (AR) Federal Tort Claims (FTCA) Support to U.S. Attorney on Litigation Contract Disputes/Protests Discovery Freedom of Information Act (FOIA) Appeals

One-Time/Short-Term Actions	LOC	Procurement Action Reviews (including Locals)	Contracts and Mods Financial Assistance Agreements and Mods Non-major M&O Procurement Actions Independent Review Boards (IRBs) (Non M&O) Contract Review Boards (CRBs) (Non-M&O)
	DIR	Directives/ SCMS Reviews	Directives (O, M, N, or P) Regulations SCMS Procedures
	REV	Other Reviews	User Agreements Other Agreements Short-Term Real Estate Transactions Memoranda of Understanding (MOUs) Interagency Agreements (IAGs) Legal Opinions and Issue Memoranda Other One-Time/Short-Term Reviews