

1252.211-71

the solicitation and proposed after the time for receipt of offers, will not be considered.

(End of provision)

[59 FR 40288, Aug. 8, 1994. Redesignated at 61 FR 50250, Sept. 25, 1996.]

1252.211-71 Index for specifications.

As prescribed in (TAR) 48 CFR 1210.011, insert the following clause:

INDEX FOR SPECIFICATIONS (OCT 1994)

If an index or table of contents is furnished in connection with specifications, it is understood that such index or table of contents is for convenience only. Its accuracy and completeness is not guaranteed, and it is not to be considered as part of the specification. In case of discrepancy between the index or table of contents and the specifications, the specifications shall govern.

(End of clause)

[59 FR 40288, Aug. 8, 1994. Redesignated at 61 FR 50250, Sept. 25, 1996]

EDITORIAL NOTE: At 64 FR 2439, Jan. 14, 1999, section 1252.211-71, first paragraph, was amended by removing the citation "A(TAR) 48 CFR 1211.204" and adding in its place the citation "A(TAR) 48 CFR 1211.204-70". This citation did not exist in the 1998 Code of Federal Regulations and could not be incorporated.

1252.211-90 Bar coding requirement. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1211.204-90 and 1213.302-590, insert the following clause:

BAR CODING REQUIREMENTS (OCT 1996)

Item markings shall include bar coding in accordance with MIL-STD-1189 as clarified below:

(a) The stock number shall be bar coded with no prefixes, dashes, spaces, or suffixes encoded. The contract number, the delivery order, or call order number, when used, shall be bar coded with no spaces or dashes encoded.

(b) Prefixes and suffixes to the stock number may be included in the OCR-A in-the-clear markings, but not in the bar code.

(c) Preferred Bar Code Density (characters per inch as defined in MIL-STD-1189) is "standard," but densities from "standard" to "low" are acceptable.

(d) OCR-A characters do not have to be machine readable.

(e) Bar coding shall be machine readable.

(f) Unless otherwise specified herein, minimum bar code height shall be 0.25 inch (6.4

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mm) or 15 percent of the bar code length, whichever is greater.

(g) The preferred position of the OCR-A characters is below the bar codes, but the OCR-A characters may be above the bar codes.

(h) On outer containers contractors shall either:

(1) Encode the stock numbers and contract number in one line of bar code with the stock number appearing first; or

(2) Encode the item stock number and contract number on two labels, with the top label containing the stock number and the lower label containing the contract number.

(i) On unit and intermediate containers, the item stock number in bar code with OCR-A below may be on the same label as the other data (identification markings) required by MIL-STD-129H. However, the bar code stock number shall appear on the top line with OCR-A characters on the second line; the OCR-A characters may include the stock number prefix and suffix, or alternatively, the complete stock number including any prefix and suffix, shall be repeated as part of the identification markings.

(j) Exclusions from bar code markings are:

(1) Multi-packs/consolidation containers (containers with two or more different stock numbers within).

(2) Reusable shipping containers used for multiple/different stock number applications.

(3) Items consigned to a prime contractor's plant for installation in production.

(End of clause)

[64 FR 2439, Jan. 14, 1999]

1252.213-90 Evaluation factor for Coast Guard performance of bar coding requirement. (USCG)

As prescribed in USCG guidance at (TAR) 48 CFR 1213.106-190, insert the following provision:

EVALUATION FACTOR FOR COAST GUARD PERFORMANCE OF BAR CODING REQUIREMENT (OCT 1994)

If a small business cannot provide the bar coding requirement, as indicated elsewhere in the schedule, the contracting officer will apply the following formula to the quoted amounts:

(a) Unit price quoted by small business

\$ _____
(b) Add unit cost to the USCG to provide bar coding \$ _____

(c) Adjusted unit price (add lines a. and b.)
\$ _____

The line (c) amount will become the amount the contracting officer considered when determining the lowest quoted amount.

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(End of provision)

[64 FR 2439, Jan. 14, 1999]

1252.215-70 Key personnel and/or facilities.

As prescribed in (TAR) 48 CFR 1215.106, insert the following clause:

KEY PERSONNEL AND/OR FACILITIES (OCT 1994)

(a) The personnel and/or facilities as specified in paragraph (c) are considered essential to the work being performed hereunder and may, with the consent of the contracting parties, be changed from time to time during the course of the contract by adding or deleting personnel and/or facilities, as appropriate.

(b) Prior to removing, replacing, or diverting any of the specified individuals or facilities, the Contractor shall notify, in writing, and receive consent from, the Contracting Officer reasonably in advance of the action and shall submit justification (including proposed substitutions) in sufficient detail to permit evaluation of the impact on this contract.

(c) No diversion shall be made by the Contractor without the written consent of the Contracting Officer. The Contracting Officer may ratify, in writing, the change and such ratification shall constitute the consent of the Contracting Officer required by this clause.

The Key Personnel and/or Facilities under this Contract:

(Specify key personnel and/or facilities)

(End of clause)

[59 FR 40228, Aug. 8, 1994]

EDITORIAL NOTE: At 64 FR 2439, Jan. 14, 1999, section 1252.215-70, first paragraph, was amended by removing the citation "A(TAR) 48 CFR 1215.106" and adding in its place the citation "A(TAR) 48 CFR 1215.204-3". This citation did not exist in the 1998 Code of Federal Regulations and could not be incorporated.

1252.216-70 Evaluation of offers subject to an economic price adjustment clause.

As prescribed in (TAR) 48 CFR 1216.203-470, insert the following provision:

EVALUATION OF OFFERS SUBJECT TO AN ECONOMIC PRICE ADJUSTMENT CLAUSE (OCT 1994)

Offers shall be evaluated without an amount for an economic price adjustment being added. Offers will be rejected which: (1) Increase the ceiling stipulated; (2) limit the

downward adjustment; or (3) delete the economic price adjustment clause. If the offer stipulates a ceiling lower than that included in the solicitation, the lower ceiling will be incorporated into any resulting contract.

(End of provision)

1252.216-71 Determination of award fee.

As prescribed in (TAR) 48 CFR 1216.405(a), insert the following clause:

DETERMINATION OF AWARD FEE (OCT 1994)

(a) The Government shall, at the conclusion of each specified evaluation period(s), evaluate the contractor's performance for a determination of award fee earned. The contractor agrees that the determination as to the amount of the award fee earned will be made by the Government Fee Determination Official (FDO) and such determination is binding on both parties and shall not be subject to appeal under the "Disputes" clause or to any board or court.

(b) It is agreed that the evaluation of contractor performance shall be in accordance with a Performance Evaluation Plan and that the contractor shall be promptly advised in writing of the determination and reasons why the award fee was or was not earned. It is further agreed that the contractor may submit a self-evaluation of performance of each period under consideration. While it is recognized that the basis for the determination of the fee shall be the evaluation by the Government, any self-evaluation which is received within _____ (insert number) days after the end of the period being evaluated may be given such consideration, if any, as the FDO shall find appropriate.

(c) The FDO may specify in any fee determination that fee not earned during the period evaluated may be accumulated and be available for allocation to one or more subsequent periods. In that event, the distribution of award fee shall be adjusted to reflect such allocations.

(End of clause)

[59 FR 40228, Aug. 8, 1994]

EDITORIAL NOTE: At 64 FR 2439, Jan. 14, 1999, section 1252.216-71, first paragraph, was amended by removing the citation "A(TAR) 48 CFR 1216.405(a)" and adding in its place the citation "A(TAR) 48 CFR 1216.406". This citation did not exist in the 1998 Code of Federal Regulations and could not be incorporated.

1252.216-72 Performance evaluation plan.

As prescribed in (TAR) 48 CFR 1216.405(b), insert the following clause: