

Department of Transportation

1252.216-72

(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: