

**1252.216-73**

PERFORMANCE EVALUATION PLAN (OCT 1994)

(a) A Performance Evaluation Plan shall be unilaterally established by the Government based on the criteria stated in the contract and used for the determination of award fee. This plan shall include the criteria used to evaluate each area and the percentage of award fee (if any) available for each area. A copy of the plan shall be provided to the contractor \_\_\_\_\_ (insert number) calendar days prior to the start of the first evaluation period.

(b) The criteria contained within the Performance Evaluation Plan may relate to: (1) Technical (including schedule) requirements if appropriate; (2) Management; and (3) Cost.

(c) The Performance Evaluation Plan may, consistent with the contract, be revised unilaterally by the Government at any time during the period of performance. Notification of such changes shall be provided to the contractor \_\_\_\_\_ (insert number) calendar days prior to the start of the evaluation period to which the change will apply.

(End of clause)

[59 FR 40228, Aug. 8, 1994]

EDITORIAL NOTE: At 64 FR 2439, Jan. 14, 1999, section 1252.216-72, first paragraph, was amended by removing the citation "A(TAR) 48 CFR 1216.405(b)" 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.

**1252.216-73 Distribution of award fee.**

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

DISTRIBUTION OF AWARD FEE (OCT 1994)

(a) The total amount of award fee available under this contract is assigned according to the following evaluation periods and amounts:

- Evaluation Period:
- Available Award Fee:
- (insert appropriate information)

(b) Payment of the base fee and award fee shall be made, provided that after payment of 85 percent of the base fee and potential award fee, the Government may withhold further payment of the base fee and award fee until a reserve is set aside in an amount that the Government considers necessary to protect its interest. This reserve shall not exceed 15 percent of the total base fee and potential award fee or \$100,000, whichever is less.

(c) In the event of contract termination, either in whole or in part, the amount of award fee available shall represent a prorata distribution associated with evaluation pe-

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riod activities or events as determined by the Government.

(d) The Government will promptly make payment of any award fee upon the submission by the contractor to the contracting officer's authorized representative, of a public voucher or invoice in the amount of the total fee earned for the period evaluated. Payment may be made without using a contract modification.

(End of clause)

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**1252.216-74 Settlement of letter contract.**

As prescribed in (TAR) 48 CFR 1216.603-4, insert the following clause:

SETTLEMENT OF LETTER CONTRACT (OCT 1994)

(a) This contract constitutes the definitive contract contemplated by issuance of letter contract \_\_\_\_\_ (insert number) dated \_\_\_\_\_ (insert effective date). It supersedes the letter contract and its modification number(s) \_\_\_\_\_ (insert number(s)) and, to the extent of any inconsistencies, governs. (b) The cost(s) and fee(s), or price(s), established in this definitive contract represents full and complete settlement of letter contract \_\_\_\_\_ (insert number and modification number(s)) \_\_\_\_\_ (insert number(s)). Payment of the agreed upon fee or profit withheld pending definitization of the letter contract, may commence immediately at the rate and times stated within this contract.

(End of clause)

**1252.217-71 Delivery and shifting of vessel.**

As prescribed at 1217.7000 (a) and (b), insert the following clause:

DELIVERY AND SHIFTING OF VESSEL (OCT 1994)

The Government shall deliver the vessel to the Contractor at his place of business. Upon completion of the work, the Government shall accept delivery of the vessel at the Contractor's place of business. The Contractor shall provide, at no additional charge, upon 24 hours' advance notice, a tug or tugs and docking pilot, acceptable to the Contracting Officer, to assist in handling the