

**1852.216-84**

**48 CFR Ch. 18 (10-1-02 Edition)**

**FIXED PRICE INCENTIVE (OCT 1996)**

The target cost of this contract is \$ \_\_\_\_\_. The Target profit of this contract is \$ \_\_\_\_\_. The target price (target cost plus target profit) of this contract is \$ \_\_\_\_\_. [The ceiling price is \$ \_\_\_\_\_.]

The cost sharing for target cost underruns is: Government \_\_\_\_\_ percent; Contractor \_\_\_\_\_ percent.

The cost sharing for target cost overruns is: Government \_\_\_\_\_ percent; Contractor \_\_\_\_\_ percent.

(End of clause)

[62 FR 3486, Jan. 23, 1997, as amended at 62 FR 36733, July 9, 1997]

**1852.216-84 Estimated cost and incentive fee.**

As prescribed in 1816.406-70(d), insert the following clause:

**ESTIMATED COST AND INCENTIVE FEE (OCT 1996)**

The target cost of this contract is \$ \_\_\_\_\_. The target fee of this contract is \$ \_\_\_\_\_. The total target cost and target fee as contemplated by the Incentive Fee clause of this contract are \$ \_\_\_\_\_.

The maximum fee is \$ \_\_\_\_\_.

The minimum fee is \$ \_\_\_\_\_.

The cost sharing for cost underruns is: Government \_\_\_\_\_ percent; Contractor \_\_\_\_\_ percent.

The cost sharing for cost overruns is: Government \_\_\_\_\_ percent; Contractor \_\_\_\_\_ percent.

(End of clause)

[62 FR 3486, Jan. 23, 1997, as amended at 62 FR 36733, July 9, 1997]

**1852.216-85 Estimated cost and award fee.**

As prescribed in 1816.406-70(e), insert the following clause:

**ESTIMATED COST AND AWARD FEE (SEP 1993)**

The estimated cost of this contract is \$ \_\_\_\_\_. The maximum available award fee, excluding base fee, if any, is \$ \_\_\_\_\_. The base fee is \$ \_\_\_\_\_. Total estimated cost, base fee, and maximum award fee are \$ \_\_\_\_\_.

(End of clause)

*Alternate I* (SEP 1993) As prescribed in 1816.405-70(e), insert the following sentence at the end of the clause:

The maximum positive performance incentive is \$ \_\_\_\_\_. The maximum negative performance incentive is (1).

(1) For research development hardware contracts, insert [equal to total earned award fee (including any base fee)]. For production hardware contracts, insert [*total potential award fee amount, including any base fee*].

(End of clause)

[62 FR 3486, Jan. 23, 1997, as amended at 62 FR 36733, July 9, 1997]

**1852.216-87 Submission of vouchers for payment.**

As prescribed in 1816.307-70(e), insert the following clause:

**SUBMISSION FOR VOUCHERS FOR PAYMENT (MAR 1998)**

(a) The designated billing office for cost vouchers for purposes of the Prompt Payment clause of this contract is indicated below. Public vouchers for payment of costs shall include a reference to the number of this contract.

(b)(1) If the contractor is authorized to submit interim cost vouchers directly to the NASA paying office, the original voucher should be submitted to: [Insert the mailing address for submission of cost vouchers]

(2) For any period that the Defense Contract Audit Agency has authorized the Contractor to submit interim cost vouchers directly to the Government paying office, interim vouchers are not required to be sent to the Auditor, and are considered to be provisionally approved for payment, subject to final audit.

(3) Copies of vouchers should be submitted as directed by the Contracting Officer. (c) If the contractor is not authorized to submit interim cost vouchers directly to the paying office as described in paragraph (b), the contractor shall prepare and submit vouchers as follows:

(1) One original Standard Form (SF) 1034, SF 1035, or equivalent Contractor's attachment to: [Insert the appropriate NASA or DCAA mailing office address for submission of cost vouchers]

(2) Five copies of SF 1034, SF 1035A, or equivalent Contractor's attachment to the following offices by insertion in the memorandum block of their names and addresses:

- (i) Copy 1 NASA Contracting Officer;
  - (ii) Copy 2 Auditor;
  - (iii) Copy 3 Contractor;
  - (iv) Copy 4 Contract administration office; and
  - (v) Copy 5 Project management office.
- (3) The Contracting Officer may designate other recipients as required.

(d) Public vouchers for payment of fee shall be prepared similarly to the procedures in paragraphs (b) or (c) of this clause, whichever is applicable, and be forwarded to: [insert the mailing address for submission of fee vouchers] This is the designated billing office for fee vouchers for purposes of the Prompt Payment clause of this contract.

(e) In the event that amounts are withheld from payment in accordance with provisions of this contract, a separate voucher for the amount withheld will be required before payment for that amount may be made.

(End of clause)

[63 FR 15321, Mar. 31, 1998]

#### 1852.216-88 Performance incentive.

As prescribed in 1816.406-70(f), insert the following clause:

##### PERFORMANCE INCENTIVE (JAN 1997)

(a) A performance incentive applies to the following hardware item(s) delivered under this contract: (1).

The performance incentive will measure the performance of those items against the salient hardware performance requirement, called "unit(s) of measurement," e.g., months in service or amount of data transmitted, identified below. The performance incentive becomes effective when the hardware is put into service. It includes a standard performance level, a positive incentive, and a negative incentive, which are described in this clause.

(b) Standard performance level. At the standard performance level, the Contractor has met the contract requirement for the unit of measurement. Neither positive nor negative incentives apply when this level is achieved but not exceeded. The standard performance level for (1) \_\_\_ is established as follows: (2).

(c) Positive incentive. The Contractor earns a separate positive incentive amount for each hardware item listed in paragraph (a) of this clause when the standard performance level for that item is exceeded. The amount earned for each item varies with the units of measurement achieved, up to a maximum positive performance incentive amount of \$ (3) \_\_\_ per item. The units of measurement and the incentive amounts associated with achieving each unit are shown below: (4).

(d) Negative incentive. The Contractor will pay to the Government a negative incentive amount for each hardware item that fails to achieve the standard performance level. The amount to be paid for each item varies with the units of measurement achieved, up to the maximum negative incentive amount of \$ (5) \_\_\_. The units of measurement and the in-

centive amounts associated with achieving each unit are shown below: (6).

(e) The final calculation of positive or negative performance incentive amounts shall be done when performance (as defined by the unit of measurement) ceases or when the maximum positive incentive is reached.

(1) When the Contracting Officer determines that the performance level achieved fell below the standard performance level, the Contractor will either pay the amount due the Government or credit the next payment voucher for the amount due, as directed by the Contracting Officer.

(2) When the performance level exceeds the standard level, the Contractor may request payment of the incentive amount associated with a given level of performance, provided that such payments shall not be more frequent than monthly. When performance ceases or the maximum positive incentive is reached, the Government shall calculate the final performance incentive earned and unpaid and promptly remit it to the contractor.

(f) If performance cannot be demonstrated, through no fault of the Contractor, within [insert number of months or years] after the date of hardware acceptance by the Government, the Contractor will be paid [insert percentage] of the maximum performance incentive.

(g) The decisions made as to the amount(s) of positive or negative incentives are subject to the Disputes clause.

(1) Insert applicable item number(s) and/or nomenclature.

(2) Insert a specific unit of measurement for each hardware item listed in (1) and each salient characteristic, if more than one.

(3) Insert the maximum positive performance incentive amount (see 1816.402-270(e) (1) and (2)).

(4) Insert all units of measurement and associated dollar amounts up to the maximum performance incentive.

(5) Insert the appropriate amount in accordance with 1816.402-270(e).

(6) Insert all units of measurement and associated dollar amounts up to the maximum negative performance incentive.

(End of clause)

[62 FR 3486, Jan. 23, 1997, as amended at 62 FR 36733, July 9, 1997]

#### 1852.216-89 Assignment and release forms.

As prescribed in 1816.307-70(f), insert the following clause:

##### ASSIGNMENT AND RELEASE FORMS (JUL 1997)

The Contractor shall use the following forms to fulfill the assignment and release