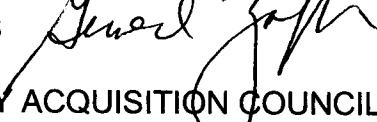




APR 27 2006 Civilian Agency Acquisition Council Letter 2006-02

MEMORANDUM FOR CIVILIAN AGENCIES (EXCEPT NASA)

FROM: GERALD ZAFFOS 
CHAIR
CIVILIAN AGENCY ACQUISITION COUNCIL (CAAC)

SUBJECT: Consultation - Class Deviation from Federal Acquisition Regulation (FAR) 36.604(a) and 53.236-2(c), when using the National Institutes of Health (NIH) Contractor Performance System (CPS)

This CAAC letter serves as evidence of consultation with the CAAC Chair as required by FAR 1.404 for a class deviation from FAR Subpart 36.604 and FAR Subpart 53.236-2(c). The NIH is requesting approval of a class deviation from FAR 36.604(a) and FAR 53.236-2(c) to permit substitution of the NIH Contractor Performance System (CPS) Architect-Engineer Contractor Performance Report in lieu of Standard Form (SF) 1421. This report has been revised to capture information that reflects the current needs of today's acquisition personnel (e.g., A-E evaluators, source selection officials, etc.).

On October 17, 2001, a class deviation was issued by the CAAC Chair for both SFs 1420, Performance Evaluation (Construction) and 1421, Performance Evaluation (Architect-Engineer) at the request of NIH. The class deviation for SF 1420, Performance Evaluation (Construction) is not affected by this class deviation.

Subpart 36.604(a) requires the preparation of a performance report, Standard Form (SF) 1421, Performance Evaluation (Architect-Engineer), when evaluating a contractor's performance under an architect-engineer contract. NIH offers a contractor performance system and many Federal agencies and departments are subscribers to the NIH CPS. The NIH CPS has an Architect-Engineer Contractor Performance Report with the system that captures the information required by the SF 1421. Therefore, the need to prepare the SF 1421 is not necessary.

The revised CPS Architect-Engineer Contractor Performance Report and the October 17, 2001 CAAC letter are attached for your information. This class deviation will remain in effect until an appropriate FAR change is made.

If you have any questions, please contact Cecelia L. Davis, on (202) 219-0202 or by email at cecelia.davis@gsa.gov.

Attachments

Architect - Engineer Contractor Performance Report

Report Type:(Select) (% Completed)		Termination Type: None		Reporting Period: From: To:	
Host Agency:		Evaluating Organization:		Contracting Office:	
Contract Number:				Order Number:	
Contractor Name and Address: <Enter Contractor Name> <Enter Address Line 1> <Enter Address Line 2> <Enter City, State and Zip>				TIN: DUNS: NAICS: Procurement Method: (Select) Contract Type: (Select)	
Award Amount:		Modifications: No. Amount		Claims By Contractor: No. Amount	
				Net Amount: (calculated field)	
Award Date:		Design Services Completion Date:		Construction Phase Services Completion Date:	
Description of Requirement: <Descriptive statement of work>					

RATINGS

Pre-Design/Planning Phase

Report Period to

U = Unsatisfactory P = Poor F = Fair G = Good E = Excellent O = Outstanding

	N/A	U	P	F	G	E	O
Quality of Product and Service							
Thorough understanding of project scope	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality of site investigation/analysis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality of programming	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality control procedure and execution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality of deliverables	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cost Control							
Cost estimating services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compliance with Performance Schedules							
Timeliness of performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Responsiveness to review comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Effectiveness of Management and Business Practices							
Key personnel effectiveness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of consultants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interaction of team members (i.e. government, customer, tenant, consultants)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Security							
Compliance with security classification and handling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Government Comments for Pre-Design/Planning

<Enter Government Comments (2000 character maximum)>

Pre-Design/Planning Phase Evaluator:

Name:

Title:

Concept Design Phase

Report Period: to

U = Unsatisfactory P = Poor F = Fair G = Good E = Excellent O = Outstanding

	N/A	U	P	F	G	E	O
Quality of Product and Service							
Thorough understanding of project scope	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality of deliverables	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of all documentation and among all disciplines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cost Control							
Concept on cost/within budget	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cost estimating	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compliance with Performance Schedules							
Timeliness of performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Responsiveness to review comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Effectiveness of Management and Business Practices							
Key personnel effectiveness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of consultants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination with external review agencies/utilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interaction of team members (i.e. government, customer, tenant, consultants)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality control procedure and execution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Security							
Compliance with security classification and handling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Government Comments for Concept Design

<Enter Government Comments (2000 character maximum)>

Concept Design Phase Evaluator:

Name:

Title:

Design Development Phase

Report Period to

U = Unsatisfactory P = Poor F = Fair G = Good E = Excellent O = Outstanding

	N/A	U	P	F	G	E	O
Quality of Product and Service							
Incorporation of scope of work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality of deliverables	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of all documentation and among all disciplines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cost Control							
DD on cost/within budget	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cost estimating services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compliance with Performance Schedules							
Timeliness of performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Responsiveness to review comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effectiveness of Management and Business Practices							
Key personnel effectiveness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of consultants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination with external review agencies/utilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interaction of team members (i.e. government, customer, tenant, consultants)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality control procedure and execution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Value engineering	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Security							
Compliance with security classification and handling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Government Comments for Design Development
 <Enter Government Comments (2000 character maximum)>

Design Development Phase Evaluator:
 Name: _____ Title: _____

Construction Documents Phase Report Period: _____ to _____

U = Unsatisfactory P = Poor F = Fair G = Good E = Excellent O = Outstanding

	N/A	U	P	F	G	E	O
Quality of Product and Service							
Incorporation of scope of work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality of deliverables	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of all documentation and among all disciplines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cost Control							
CD on cost/within budget	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cost estimating services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compliance with Performance Schedules							
Timeliness of performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Responsiveness to review comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Effectiveness of Management and Business Practices							
Key personnel effectiveness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of consultants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination with external review agencies/utilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interaction of team members (i.e. gov't, customer, tenant, consultants)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Use of value engineering	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Security							
Compliance with security classification and handling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Government Comments for Construction Documents
 <Enter Government Comments (2000 character maximum)>

Construction Documents Phase Evaluator:
 Name: _____ Title: _____

Construction Administration Phase Report Period: _____ to _____

U = Unsatisfactory P = Poor F = Fair G = Good E = Excellent O = Outstanding

	N/A	U	P	F	G	E	O
Quality of Product and Service							

Quality review of contract documents (i.e. shop drawings, reports, minutes, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality of inspections	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Constructability of contract documents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality of supplemental documents (i.e. design notes, RFIs)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cost Control							
Accuracy of final estimate with actual bid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Review of change orders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compliance with Performance Schedules							
Timeliness of performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Responsiveness to review comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Effectiveness of Management and Business Practices							
Key personnel effectiveness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination, responsiveness and cooperation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Documentation procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Security							
Compliance with security classification and handling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Government Comments for Construction Administration

<Enter Government Comments (2000 character maximum)>

Construction Administration Phase Evaluator:

Name:

Title:

Overall Ratings (on Final evaluation report ONLY)

U = Unsatisfactory P = Poor F = Fair G = Good E = Excellent O = Outstanding

	N/A	U	P	F	G	E	O
Overall Quality of Product or Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall Budget and Cost Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall Compliance with Performance Schedules	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall Effectiveness of Management and Business Practices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall Compliance with Security Requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Government Comments for Overall Ratings

<Enter Government Comments (2000 character maximum)>

Subcontracts

Are subcontracts involved? Yes No N/A

Government Comments for Comment on Subcontracts

<Enter Government Comments (2000 character maximum)>

Small Business Subcontracting Plan

Did the contractor make a good faith effort to comply with the Subcontracting Plan in a manner consistent with the goals, reporting and other commitments negotiated in the Subcontracting Plan? Yes No N/A (final report only)

Did the contractor achieve negotiated goals and objectives? Yes No N/A (final report only)

Government Comments Addressing Both Questions for Small Business Subcontracting Plan (final report only)

<Enter Government Comments (2000 characters maximum)>

Small Business Participation in Bundled Contracts

Did the contractor meet the objectives set forth in this bundled contract for small business participation? (final report only)

Yes No N/A

Government Comments for Small Business Participation in Bundled Contracts

<Enter Government Comments (2000 characters maximum)>

Small Disadvantaged Business Participation Plan (SDB Plan)

Did the contractor make a good faith effort to comply with the SDB Plan in a manner consistent with the goals, reporting and other commitments negotiated in the SDB Plan? Yes No N/A (final report only)

Did the contractor achieve negotiated goals and objectives? Yes No N/A (final report only)

Government Comments Addressing Both Questions for Small Disadvantaged Business Participation Plan

<Enter Government Comments (2000 character maximum)>

Customer Satisfaction

Is/was the contractor committed to customer satisfaction? Yes No N/A (final report only)

Would you recommend the selection of this firm again? Yes No N/A (final report only)

Government Comments for Customer Satisfaction

<Enter Government Comments (2000 character maximum)>

Contractor Key Personnel

Contractor Manger/Principal Investigator

Name:

Government Comments for Contractor Manager/Principal Investigator

<Enter Government Comments (2000 character maximum)>

Contractor Key Person

Name:

Government Comments for Contractor Key Person

<Enter Government Comments (2000 character maximum)>

Project Officer/COTR

Name:

Phone: Ext: Fax:

Email Address:

Contractor Representative

Name:

Phone: Ext: Fax:

Email Address:

Contracting Officer

Name:

Phone: Ext: Fax:

Email Address:

CONTRACTOR COMMENTS

Contractor Comments for Pre-Design/Planning

<Enter Contractor Comments (2000 character maximum)>

Contractor Comments for Concept

<Enter Contractor Comments (2000 character maximum)>

Contractor Comments for Design Development

<Enter Contractor Comments (2000 character maximum)>

Contractor Comments for Construction Documents

<Enter Contractor Comments (2000 character maximum)>

Contractor Comments for Construction Administration

<Enter Contractor Comments (2000 character maximum)>

Contractor Comments for Overall Ratings

<Enter Contractor Comments (2000 character maximum)>

Contractor Comments for Comment on Subcontracts

<Enter Contractor Comments (2000 character maximum)>

Contractor Comments for Small Business Subcontracting Plan *(final report only)*

<Enter Contractor Comments (2000 character maximum)>

Contractor Comments for Small Business Participation in Bundled Contracts *(final report only)*

<Enter Contractor Comments (2000 character maximum)>

Contractor Comments for Small Disadvantaged Business Participation Plan *(final report only)*

<Enter Contractor Comments (2000 character maximum)>

Contractor Comments for Customer Satisfaction *(final report only)*

<Enter Contractor Comments (2000 character maximum)>

Contractor Comments for Contractor Manager/Principal Investigator

<Enter Contractor Comments (2000 character maximum)>

Contractor Comments for Contractor Key Person

<Enter Contractor Comments (2000 character maximum)>

OMB CLEARANCE NO. XXXX-XXXX
SOURCE SELECTION INFORMATION/CONFIDENTIAL



OCT 17 2001

GSA Office of Governmentwide Policy

CIVILIAN AGENCY ACQUISITION COUNCIL LETTER 2001-03

MEMORANDUM FOR CIVILIAN AGENCIES OTHER THAN NASA

FROM:

Al Matera
AL MATERA
CHAIRMAN
CIVILIAN AGENCY ACQUISITION COUNCIL (CAAC)

SUBJECT:

Advance Consultation: Class Deviation from the Federal Acquisition Regulation (FAR) 36.201, 36.604, 53.236-1(b) and 53.236-2(d), when using the National Institutes of Health (NIH) Contractor Performance System (CPS).

This letter serves as evidence of consultation with the Chairman of the Civilian Agency Acquisition Council, as provided in 1.404, should agencies chose to deviate from FAR Subpart 36.201 and FAR Subpart 36.604.

Subpart 36.201 requires the use of Standard Form 1420, Performance Evaluation (Construction) when evaluating a contractor's performance under a construction contract. Subpart 36.604 requires the use of Standard Form 1421, Performance Evaluation (Architect-Engineer), when evaluating a contractor's performance under an architect-engineer contract.

NIH offers a CPS and several agencies subscribe to this system. This system provides a Contractor Performance Insert Form (evaluation form) for both construction and architect-engineer contracts; therefore, the agencies that use this system it is not necessary to complete SF's 1420 and 1421. These Contractor Performance Insert Forms include all of the data elements required by SFs 1420 and 1421 and offers several additional advantages.

On September 22, 1999, the CAAC met to discuss a request from NIH asking for a deviation from using the SF 1420, Performance Evaluation (Construction). The CAAC stated they saw no significant issues and concurred in the deviation. However, I have since received requests for deviations for Architect-Engineer contracts, which is why we are including Subpart 36.604 as part of this advance consultation.

A new FAR case will be started to change the FAR language to allow agencies to use the NIH CPS Contractor Performance Insert Forms instead of the SFs 1420 and 1421. Not all agencies are using the NIH CPS; therefore, the revised

language will allow the use of either without having to request a deviation to the FAR when the standard forms are not used.

Accordingly, if desired, civilian agencies may authorize a class deviation in accordance with FAR 1.404 from the requirements FAR 36.201, 36.604, 53.236-1(b) and 53.236-2(d). Class deviations may remain in effect until issuance of an appropriate FAR change.