PART 3016—TYPES OF CONTRACTS

Authority: 5 U.S.C. 301-302, 41 U.S.C. 1303, 41 U.S.C. 1707, 41 U.S.C. 1702, and 48 CFR subpart 1.3.

Source: 68 FR 67871, Dec. 4, 2003, unless otherwise noted.

Subpart 3016.1—Selecting Contract Types

3016.170 Contracts with Lead System Integrators.

Subpart 3016.2—Fixed-Price Contracts

3016.203 Fixed price contracts with economic price adjustments.

3016.203-4 Contract clauses.

3016.203-470 Solicitation provision.

Subpart 3016.4—Incentive Contracts

3016.406 Contract clauses.

Subpart 3016.5—Indefinite-Delivery Contracts

3016.505 Ordering.

Subpart 3016.6—Time-and-Materials, Labor-Hour, and Letter Contracts

3016.603 Letter contracts.

3016.603-4 Contract clauses.

Parent topic: SUBCHAPTER C—CONTRACT METHODS AND CONTRACT TYPES

Subpart 3016.1—Selecting Contract Types

Source: 75 FR 41100, July 15, 2010, unless otherwise noted.

3016.170 Contracts with Lead System Integrators.

The contracting officer should negotiate the most appropriate contract type and fee structure based on risks inherent in the work to be performed, in accordance with (FAR) 48 CFR 16.103(a). Contract type and fee structure should be commensurate with the work to be performed and the risks assumed. Worthwhile existing guidance on contract type selection, pricing, and fee structures, such as exists in Vol. I, Ch. 4 of the Contract Reference Pricing Guides [*http://www.acq.osd.mil/dpap/cpf/docs/contract_pricing_finance_guide/vol…*] can be consulted to determine the appropriate contract type and fee structure for use in varied contracts with lead system integrators in the production, fielding and sustainment of complex systems.

Subpart 3016.2—Fixed-Price Contracts

3016.203 Fixed price contracts with economic price adjustments.

3016.203-4 Contract clauses.

(d)(2) Any clause using this method shall be prepared and approved by the contracting officer.

3016.203-470 Solicitation provision.

The contracting officer shall insert a provision substantially the same as (HSAR) 48 CFR 3052.216-70, Evaluation of Offers Subject to an Economic Price Adjustment Clause, in solicitations containing an economic price adjustment clause.

Subpart 3016.4—Incentive Contracts

3016.406 Contract clauses.

(e)(1)(i) The contracting officer shall insert a clause substantially the same as (HSAR) 48 CFR 3052.216-71, Determination of Award Fee, in solicitations and contracts that include an award fee.

(ii) The contracting officer shall insert a clause substantially the same as (HSAR) 48 CFR 3052.216-72, Performance Evaluation Plan, in all solicitations and contracts that include an award fee.

(iii) The contracting officer shall insert a clause substantially the same as (HSAR) 48 CFR 3052.216-73, Distribution of Award Fee, in all solicitations and contracts that include an award fee.

Subpart 3016.5—Indefinite-Delivery Contracts

3016.505 Ordering.

(b)(5) The Component Competition Advocate is designated as the Component Task and Delivery Order Ombudsman, unless otherwise provided in Component procedures.

(i) If any corrective action is needed after reviewing complaints from contractors on task and delivery order contracts, the Component Ombudsman shall provide a written determination of such action to the contracting officer.

(ii) Issues that cannot be resolved within the Component shall be forwarded to the DHS Task and Delivery Order Ombudsman, who is also the DHS Senior Competition Advocate, for review and resolution.

Subpart 3016.6—Time-and-Materials, Labor-Hour, and Letter Contracts

3016.603 Letter contracts.

3016.603-4 Contract clauses.

The contracting officer shall insert a clause substantially the same as (HSAR) 48 CFR 3052.216-74, Settlement of Letter Contract, in all definitized letter contracts.