



# UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE CHIEF FINANCIAL OFFICER

**DATE: December 20, 2016**

## **ACQUISITION ALERT 2017-02**

**TO:** CONTRACTING OFFICERS AND CONTRACT SPECIALISTS

**FROM:** Nicole Evans  
Senior Procurement Executive

**SUBJECT:** Award Term Clarification

1. **Purpose:** This alert clarifies the Education Department Acquisition Regulation (EDAR) policy and clause regarding Award-Term. Specifically, this alert clarifies the EDAR use of the terms:
  - a. Award-term plan approving official
  - b. Award Term Determining Official
  - c. Award Term Review Board
2. **Relevant Language:** EDAR 3416.470, Award-term contracting, and 3452.216–71 Award-Term (Mar 2011).
3. **Applicability:** All new solicitations and awards including Award-Term provisions.
4. **Effective Date:** Effective until the EDAR is updated to include the clarified language.
5. **Background:** Contracting Officers have asked for clarification of the various roles indicated in the EDAR text on award term. Roles in question appear in italics:
  - a. EDAR 3416.470 (c), Approvals, states, “The Contracting Officer must justify the use of an award-term incentive contract in writing. The *award-term plan approving official* will be appointed by the HCA.”
  - b. EDAR 3416.470 prescribes use of clause 3452.216-71 Award-Term (Mar 2011). This clause states:
    - i. “The contractor’s performance will be measured against stated standards by the performance monitors, who will report their findings to the *Award Term Determining Official (or Board)*.”
    - ii. The self-evaluation report shall not exceed seven pages, and it may be considered in the *Award Term Review Board’s (ATRB’s) (or Term Determining Official’s)* evaluation of the contractor’s performance during this period.
6. **Guidance:** The HCA will appoint an individual to serve as the Award-Term Plan Approving Official. Contracting Officers must ensure the award-term plan specifies the roles of the Award Term Determining Official or the Award Term Review Board, and obtain approval of the plan from the HCA-appointed Award-Term Plan Approving Official. Contracting Officers should also consider inserting in appropriate solicitations and contracts a clause substantially the same as EDAR 3416.470, Award-Term, clarifying the roles of the official or board as indicated in the approved award-term plan.
7. **Additional Information:** Questions about this alert should be directed to Todd Anthony at 202-245-6387 or [todd.anthony@ed.gov](mailto:todd.anthony@ed.gov); or Gregory Fields at 202-245-8152 or [gregory.fields@ed.gov](mailto:gregory.fields@ed.gov).

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