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  


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; or Gregory Fields at 202-245-8152 or gregory.fields@ed.gov.