

Preparation Assignment (20 points each)

Fill In the Blank Questions:

1. *The contracting officer should make appropriate arrangements for prospective offerors to inspect the work site and to have the opportunity to examine data available to the Government which may provide information concerning the performance of the work, such as boring samples, original boring logs, and records and plans of previous construction.* [Hint: Check out **FAR 36.210**]
2. *[W]hen a modification to a construction contract is required because of an error or deficiency in the services provided under an architect-engineer contract, the contracting officer (with the advice of technical personnel and legal counsel) shall consider the extent to which the architect-engineer contractor may be reasonably liable.* [Hint: Check out **FAR 36.608**]
3. *Contracting officers must ensure that the use of uncompensated overtime in contracts to acquire services on the basis of the number of hours provided will not degrade the level of technical expertise required to fulfill the Government's requirements (see [15.305](#) for competitive negotiations and [15.404-1\(d\)](#) for cost realism analysis).* [Hint: Check out **FAR 37.115**]
4. *Value engineering is the formal technique by which contractors may (1) voluntarily suggest methods for performing more economically and share in any resulting savings or (2) be required to establish a program to identify and submit to the Government methods for performing more economically. Value engineering attempts to eliminate, without impairing essential functions or characteristics, anything that increases acquisition, operation, or support costs.* [Hint: Check out **FAR 48.101**]
5. *In selecting an appropriate mechanism for incorporating a VECP into a contract, the contracting officer shall analyze the different approaches available to determine which one would be in the Government's best interest. Contracting officers should balance the administrative costs of negotiating a settlement against the anticipated savings.* [Hint: Check out **FAR 48.104-4**]

“Look ‘Em Ups” (Enter the FAR cite and Answer)

1. Under what circumstances is a contracting officer required to use “unit pricing” instead of “lump sum pricing” in a construction contract subject to FAR Part 36?

FAR 36.207

- (b) Lump-sum *pricing shall be used in preference to unit pricing except when-*
- (1) Large quantities of work such as grading, paving, building outside utilities, or site preparation are involved;
 - (2) Quantities of work, such as excavation, cannot be estimated with sufficient confidence to permit a lump-sum *offer without a substantial contingency*;
 - (3) Estimated quantities of work required *may change significantly during construction*;
- or*
- (4) *Offerors would have to expend unusual effort to develop adequate estimates.*

2. What three (3) things must be included in all “performance based” contracts?

FAR 37.601

- (b) Performance-based contracts for services *shall include-*
- (1) A *performance work statement (PWS)*;
 - (2) Measurable performance standards (*i.e., in terms of quality, timeliness, quantity, etc.*) *and the method of assessing contractor performance against performance standards; and*
 - (3) Performance incentives where appropriate. When used, the performance incentives *shall correspond to the performance standards set forth in the contract (see [16.402-2](#)).*

FAR Question: As a general rule, an agency is not permitted to enter into a “personal services” contract unless specifically authorized by law. What six (6) “descriptive elements” should be used by a contracting officer to assess whether the services required by the government end user customer is “personal” or “non-personal”?

FAR 37.104

(d) The following descriptive elements *should be used as a guide in assessing whether or not a proposed contract is personal in nature:*

- (1) Performance on site.
- (2) Principal tools and equipment furnished by the Government.
- (3) Services are applied directly to the integral effort of agencies or an organizational subpart in furtherance of assigned function or mission.
- (4) Comparable services, meeting comparable needs, are performed in the same or similar agencies using civil service personnel.
- (5) The need for the type of service provided can reasonably be expected to last beyond 1 year.
- (6) The inherent nature of the service, or the manner in which it is provided, reasonably requires directly or indirectly, Government direction or supervision of contractor employees in order to-
 - (i) Adequately protect the Government’s interest;
 - (ii) Retain control of the function involved; or
 - (iii) Retain full personal responsibility for the function supported in a duly authorized Federal

FUN Question: Speaking of “six”, one of my favorite Friday night TV shows growing up involved “six” children growing up in a house designed by their “architect” father. Tell me the name of the TV show. For an additional twenty (20) “FUN” points, tell me the name of the actor who played the father.

Brady Bunch

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