



United States Agency For International Development

November 15, 2002

ACTION MEMORANDUM FOR THE DIRECTOR, M/OP

TO: M/OP, Timothy T. Beans

FROM: M/OP/POL, Raquel C. Powell

SUBJECT: Deviation No OP-DEV-03-01c, Approval of Class Deviation from FAR Requirements for SF 1420 and SF 1421

Issue: Approval is sought for a USAID-wide class deviation from FAR 36.201, 36.604(b), 53.236-1(b), and 53.236-2(d) to use the NIH Contractor Performance System (CPS) in lieu of SF 1420, Performance Evaluation (Construction), and SF 1421, Performance Evaluation (Architect-Engineer).

Discussion: FAR 36.201 and 53.236-1(b) require the use of the former form when evaluating a contractor's performance under a construction contract. Additionally, FAR 36.604(b) and 53.236-2(d) require the use of the latter form when evaluating a contractor's performance under an architect-engineer contract. However, as described in AIDAR 742.1503 and ADS 302, the USAID Office of Procurement has subscribed to the NIH CPS, an interagency system for preparing and disseminating past performance reports over a secure Internet connection. Rather than requiring preparation of duplicative evaluations on construction and architect-engineer contracts, evaluation of contractor performance under only NIH CPS will better serve the agency's purposes because this system captures all of the data elements required by the two forms, and it offers several additional advantages in its online preparation and dissemination of reports on contractor performance.

The advance consultation with the CAAC chairperson that is prescribed in FAR 1.404(a)(1) is evidenced in the attached memo. No other clearances are deemed necessary or appropriate.

Recommendation: We recommend that you approve the proposed USAIDwide class deviation for a period extending until such time as the subject of this deviation is included in a future FAR change.

Action:

Approve: /s/ Timothy T. Beans

Disapprove: _____

Date November 22, 2002

Attachment: Civilian Agency Acquisition Council Letter 2001-03