



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Memorandum

Date FEB 14 2002

From Acting Assistant Secretary for
Grants and Acquisition Management

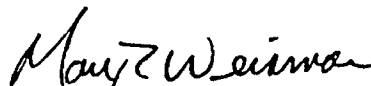
Subject Class Deviation from FAR 36.201, 36.604, 53.236-1(b) and 53.236-2(d)

To Members of the Executive Committee for Acquisition

Attached is an October 17, 2001, Civilian Agency Acquisition Council (CAAC) Letter 2001-03 which was just received. Unfortunately, it was part of the mail that was delayed due to the anthrax scare. The CAAC letter serves as evidence of consultation with the chairman of the CAAC should agencies chose to deviate from the Federal Acquisition Regulation (FAR) Subparts 36.201 and 36.604 that require the use of Standard Forms (SF) 1420 and 1421.

Pursuant to the CAAC letter, we are authorizing a class deviation in accordance with FAR 1.404 from the requirements of FAR 36.201, 36.604, 53.236-1(b) and 53.236-2(d) to the departmental components that use the National Institutes of Health's (NIH) Contractor Performance System. This system provides a Contractor Performance Insert Form (evaluation form) for both construction and architect-engineer contracts; therefore, for the agencies that use the NIH system, it is not necessary to complete SF's 1420 and 1421. The NIH Contract Performance Insert Forms include all of the data elements required by SF's 1420 and 1421 and offers several additional advantages.

This class deviation remains in effect until the FAR is changed to reflect the appropriate changes. Please call Norman Audi at (202) 690-7326 if you have any questions regarding this deviation.


Marc R. Weisman

Attachment