

## **AFARS - PART 5152**

### **Solicitation Provisions and Contract Clauses**

*(Revised 01 May 2019)*

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### **Subpart 5152.1 - Instructions for Using Provisions and Clauses**

#### **5152.101 Using part 5152.**

*(b) Numbering.*

*(2) Provisions or clauses that supplement the FAR.*

(i)(C) Requests for approval of nonstandard clauses or provisions which are deviations, one time and recurring, must be processed in accordance with 5101.4.

(ii)(A) The Office of the Deputy Assistant Secretary of the Army (Procurement) (ODASA(P)) Procurement Policy Directorate (SAAL-PP), will assign clause and provision numbers for the AFARS and Army suborganizational level clauses in accordance with Appendix FF, the Department of the Army Plan for Control of Nonstandard Clauses. SAAL-PP will number Army provisions and clauses in the same manner in which the FAR numbers provisions and clauses, except if the contracting activity must publish the provision or clause in the *Federal Register* and codify it in Title 48, Code of Federal Regulations (see FAR 1.3 and 1.5), precede the number with 51.

(B) AFARS provision or clause numbers use a four digit sequential number in the 9000 series, e.g., -9000, -9001, and 9002. Army command, subordinate command or contracting offices provision or clause numbers also use a four-digit sequential number in the 9000 series.

### **Subpart 5152.2 - Texts of Provisions and Clauses**

#### **5152.237-9000 Adjustments to Contractor s Coefficient for Option Years (Job Order Contracts).**

For job order contracts, insert the following clause in solicitations and contracts in accordance with 5117.9004-2(h).

#### **ADJUSTMENTS TO CONTRACTOR S COEFFICIENT FOR OPTION YEARS (JOB ORDER CONTRACTS) (FEB 2005)**

Pricing of option periods, to include consideration of any adjustments shall be performed by an economic price adjustment for those periods, as follows:

An economic adjustment will be applied to the contract coefficient(s) addressing changes in the

cost of labor, equipment and material in the Unit Price Book (UPB) (this includes consideration of Davis Bacon issues). This allows for economic increase or decrease of the prices in the UPB and serves to adjust line item prices by the percentage increase or decrease of the economic trend in the construction market. The economic price adjustment will be based on the Building Cost Index (BCI) found in the Market Trend pages of the Engineering News Record (ENR). The economic adjustment is not applied to the cost items comprising the coefficient. No upward adjustment shall apply to task orders awarded prior to the effective date of the adjustment, regardless of the date of commencement of work hereunder.

The adjustment will be made in accordance with the following equation. The resulting revised coefficient(s) shall be applied throughout the option year.

$$N = C + I$$

Where: N = New Coefficient

C = Base Year Coefficient

I = Change Factor (% increase or decrease from base to option year)

The Index Factor, I, shall be computed according to the following equation:

$$I = (BCIN/BCIC) - 1$$

Where:

BCIN is the Building Cost Index, published in the most current issue of ENR at the time of award of the option period.

BCIC is the Building Cost Index, as published in the ENR on the date of the award of the contract. The BCIC is \_\_\_\_\_, based on the award date of \_\_\_\_\_.

If the BCI or the ENR ceases to be published, the parties shall agree on substitute indices.

EXAMPLE: For the base year of a contract the coefficient is 1.10. The cost to the government for a line item whose cost is \$100.00 is  $1.10 \times \$100.00 = \$110.00$ .

OPTION YEAR 1. For the first option year the coefficient will be adjusted as follows:

$$I = (BCIN/BCIC) - 1$$

$$I = (3111.86/3071.10) - 1$$

$$I = 1.0133 - 1$$

$$I = 0.0133$$

The new coefficient would be calculated as follows:

$$N = C + I$$

$$N = 1.10 + 0.0133$$

$$N = 1.1133$$

The above line item under the option period would be

$$1.1133 \times \$100.00 = \$111.33.$$

OPTION YEAR 2. For the second option year, if the BCI is 3062.99, the coefficient will be adjusted as follows:

$$I = (BCIN/BCIC) - 1$$

$$I = (3062.99/3071.10) - 1$$

$$I = 0.9974 - 1$$

$$I = - 0.0026$$

The new coefficient will be calculated as follows:

$$N = C+I$$

$$N = 1.10 + (-0.0026)$$

$$N 1.0974$$

The above line item under the second option period would be

$$1.0974 \times \$100.00 = \$109.74.$$

Note 1. Round calculations for the Change Factor (I) to the nearest ten thousandth.

*[End of clause.]*

### **5152.247-7027 Riding gang members requirements.**

(c)(2)(ii) The head of the contracting activity may waive the requirement, under certain circumstances, for riding gang members to pass a Department of Defense background check. See Appendix GG for further delegation.