



U.S. Department of Housing and Urban Development
Washington, D.C. 20410

CHIEF PROCUREMENT OFFICER

CLASS DEVIATION TO HUDAR
Subpart 2442.11, Production Surveillance And Reporting

The Acting Chief Procurement Officer (CPO) is issuing this deviation to 1) revise the procurement instruments, types of contracts, and types of services being acquired to which the clause will be applicable, 2) adjust the threshold at which the clause becomes applicable, and 3) make other minor changes. The deviated subpart reads as follows:

2442.1107 Contract clause. (Deviation April 2016)

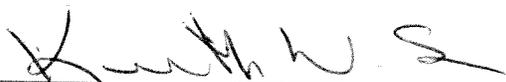
- (a) For purposes of this clause, the term “contract” shall also include task orders, and purchase orders that fall within the applicable conditions stated below.
- (b) The Contracting Officer shall insert a clause substantially the same as the clause at 2452.242-71, Contract Management System, in solicitations and contracts when all of the following conditions apply:
 - (1) A contract exceeds \$1,000,000, including all options; and
 - (2) The contract is a completion type that requires the delivery of an overall end deliverable or solution (e.g., evaluation, study, model).
- (c) To the extent the clause would not be normally included in commercial contracts meeting the requirements stated above, this deviation serves as a waiver to the standard commercial requirements to include the clause as required by FAR 12.301(f).
- (d) The Contracting Officer shall use the basic clause for cost type, labor-hour, and time and materials contracts for the services described in paragraph (b). The clause shall be used with its alternate for fixed-price type contracts for the services described in paragraph (b). The CO may elect to incorporate the clause into contracts below the established threshold.
- (e) The clause is not applicable to contracts that only expend a level of effort without a completion deliverable/product due. (e.g. temporary services).
- (f) This clause is not applicable to Information Technology service contracts being managed through Earned Value Management techniques that require reporting of Earned Value Management.

This deviation shall be in effect from the date of issuance until rescinded or superseded. The point of contact is Ms. Lisa Maguire, Assistant Chief Procurement Officer for Policy, Systems and Risk Management. Ms. Maguire may be reached at 202-402-3484 or Lisa.D.Maguire@hud.gov.

Keith W. Surber,
Acting Chief Procurement Officer

Date

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APR 1 2016

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