

Program Standard



Statement of Work

Provides the minimum baseline requirements for the performance of an activity.

Establishes the “WHAT” that an activity should accomplish.

Program Standard

Provides the procedural mechanisms and processes for the day-to-day conduct of an activity.

Establishes "HOW" the activity will be accomplished.

Systems

“The What”

The most important part of the contract is that which describes “WHAT” the Contractor is supposed to do!!

Standards

MUST:

Identify the Program, service, activity, function, or portion thereof, to be performed.

Identify the minimum level of acceptable performance.

Establish the parameters within which the Contractor will perform.

Standard

SHOULD:

Identify what constitutes non-performance or failure to perform and the consequences.

Standard

The purpose of this Contract is to implement a program under the Indian Child Welfare Act (Pub. Law 95-608) designed to protect Indian children from arbitrary removal from their families and tribes by establishing procedures to insure that measures which prevent the breakup of Indian families are followed in child custody proceedings.

Standard

This Contract will provide assistance and funding for Child and Family Service programs designed to prevent the breakup of Indian families and to ensure that the permanent removal of an Indian child from the custody of his or her parent or custodian shall be the last resort.

Standard

The Contractor shall administer the Adult Vocational Training Program for awarding grants to eligible Indian applicants to attend Vocational Training Institutions, in accordance with the provisions of 25 CFR 27 and within the Bureau of Indian Affairs funding limitations for this program.

Standard

Provide the Adult Vocational Training (AVT) Program for eligible Indian applicants in accordance with the Tribal Plan of Operation and the Tribal AVT Program Guidelines, which are hereby made a part of this contract by reference, the terms and conditions of this contract, and within the parameters established by 25 CFR 27.

Standard

Process applications for Adult Vocational Training (AVT) services, establishing eligibility and need for financial assistance in accordance with the Tribal Plan of Operations and the Tribal AVT Program Guidelines, in the order received subject to availability of funding and training openings at the selected Vocational Training Institution. Only full time institutional training, as defined at 25 CFR 27.1(h), is eligible for funding.

Standard

"The HOW"

Basic Requirements:

Clarity - Precision - Completeness

Systems and Statements of Work

Basic Questions:

What is to be done?

How will it be done?

When should it be done?

Where should it be done?

Who will do it?

How will you know when it is done?

System and Statements of Work

GUIDELINES:

The System should be neither so narrow that it restricts the Contractor's efforts, nor so broad as to permit the Contractor to explore, or undertake work in areas having little relationship to the contract task.

System

- Program Standard – What do they want to accomplish
- Statement of Work
- Who will be accomplishing your activity
- Budget
- What will be the pre-award costs
- Fill out the Contract Application Form

GUIDELINES:

- The System must define the Contractor's obligations and be definitive enough to protect each party's interests.
- A Contractor taking ultimate direction from the work statement alone should be able to perform the required work.

System

The system should provide a clear, unambiguous, and complete basis for effective and efficient performance.

System

Completion:

Final Study Report

Repairs on a number of houses

Personnel System

Be specific about the characteristics it must possess and the standards it must meet.

Type of Requirement

Term:

Level of services

Level of effort

Be specific about the goals and directions toward which the Contractor is to deploy resources during the term.

Type of Requirement

The statement of work defines activities under the contract and their requirements.

The statement of work should address the nature, character, and completeness of deliverable items, tasks to be done, or effort to be employed.

Statement of Work

A good system is put together as a team effort.

Even if authored by a single person, it should be reviewed by a legal expert and a contract specialist.

The most important part of the contract is that which describes what the Contractor is supposed to do.

Use short sentences.

Use familiar words.

Eliminate unnecessary words.

Use action verbs whenever possible.

Standards and Systems

Objectives

Precisely describe the desired end product and associated requirements.

Standards and Systems

Context for project

List background information that will aid in understanding the nature and origin of the program.

Include a brief summary of objectives, program authority, major programs, and goals set by statute if relevant.

Acceptance

Identify milestones or baselines for performance measurement -

- Prevents drifting into areas not pertinent to the contracted effort.
- Measures the results of completed efforts.
- Assists in determining whether or not subsequent changes or redirection efforts fall within the original scope of work.
- Assists in monitoring the progress of work.

Responsibilities

Identify all combined participation that is required for the project, and the nature and extent of all responsibilities.

Deliverables

**Identify delivery requirements
precisely.**

- Are specific duties and end results set forth in such a way that the reader will know exactly what is required; that the Government representative who monitors performance can tell whether the Contractor has complied?
- Does the System explain the interrelationship between tasks, and how the tasks are related to desired results and deliverables?
- Does the System identify constraints and limitations?

Statement of Work Checklist

- **When it is necessary to reference other documents, is the referenced document properly described and properly cited?**

Has the document been carefully screened?

Is all of it pertinent or should only portions be referenced?

Is the material cross-referenced to the applicable part of the System?

Statement of Work Checklist

Are reporting requirements (technical and progress/compliance) clear?

Have timing, content, and level of detail been specified?

- **Does the System contain standards which will make it possible for all parties to measure performance?**

- **BE CONCISE.**
- **USE MANDATORY LANGUAGE.**
- **BE CONSISTENT.**
- **SPECIFY ALL OBLIGATIONS.**
- **AVOID LOOPHOLES.**
- **AVOID USING "AND/OR".**
- **INCLUDE PROCEDURES.**
- **AVOID AMBIGUITY.**

General Rules of Contract Interpretation

Standards for Interpretation:

Meaning attached to the written contract by a “reasonable person” acquainted with all operative useages and knowing all the facts and circumstances prior to and during the making of the contract.

Reasonableness:

The meaning given to any contract provision must be reasonable and in keeping with the presumption that the contract embodies the agreement of two knowledgeable and well-informed parties.

However, a reasonable interpretation may not be the only reasonable interpretation.

General Rules of Contract

Interpretation

Intent of the Parties:

The parties are presumed to have meant what they said, and to have said what they meant.

The drafter will be bound by the meaning he induces the other party to understand and act upon;

the drafter's intent will be determined by the contract itself.

General Rules of Contract

Interpretation

Whole Agreement:

The intent is to be inferred from the “whole agreement”.

Neither party may base an interpretation on a section of the contract taken out of context.

General Rules of Contract
Interpretation

“Normal” Meaning of Terms:

Intent of the parties is interpreted by using the “normal” meaning given to words, the dictionary definition, unless a technical meaning is clearly intended.

Common trade practices or customs can be used to clarify otherwise ambiguous provisions or to add requirements without which the contract would be incomplete.

Intent must be gleaned from the words used and the connotations associated with such words.

General Rules of Contract

Interpretation