

**1615.407-1**

\*FEHB Program rates were developed in accordance with the requirements of 48 CFR Chapter 16 and the FEHB Program contract and are accurate, complete, and current as of the date this certificate is executed;

\*Insert the year for which the rates apply.

Firm:

Name:

Signature:

Date of Execution:

(End of second certificate)

(Beginning of third certificate)

**Certificate of Accurate MLR Calculation**

This is to certify that, to the best of my knowledge and belief: the determination of the carrier's FEHB-specific medical loss ratio for \* is accurate, complete, and consistent with the methodology as stated in 1615.402(c)(3)(ii).

\*Insert the year for which the MLR calculation applies.

Firm:

Name:

Signature:

Date of Execution:

(End of certificate)

[77 FR 19524, Apr. 2, 2012, as amended at 80 FR 32860, June 10, 2015]

**1615.407-1 Rate reduction for defective pricing or defective cost or pricing data.**

The clause set forth in section 1652.215-70 will be inserted in FEHB Program contracts, at or above the threshold in FAR 15.403-4(a)(1), that are based on a combination of cost and price analysis (community-rated).

**1615.470 Carrier investment of FEHB funds.**

(a) Except for contracts based on a combination of cost and price analysis (community-rated), the carrier is required to invest and reinvest all funds on hand, including any attributable to the special reserve or the reserve for incurred but unpaid claims, exceeding the funds needed to discharge promptly the obligations incurred under the contract.

(b) The carrier is required to credit income earned from its investment of FEHB funds to the special reserve on behalf of the FEHB Program. If a car-

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rier, for any reason, fails to invest excess FEHB funds or to credit any income due to the contract, it will return or credit any investment income lost to OPM or the special reserve.

(c) Investment income. Investment income is the net amount earned by the carrier after deducting investment expenses.

**1615.470-1 Investment income clause.**

The clause set forth in 1652.215-71 will be inserted in all FEHB contracts based on cost analysis.

**Subparts 1615.8–1615.9 [Reserved]****Subpart 1615.70—Audit and Records—Negotiation****1615.7001 Audit and records.**

The Contracting officer will modify 52.215-2 in all FEHB Program experience-rated contracts by amending paragraph (g) of that section to replace the words "exceed the simplified acquisition threshold" with "equals or exceeds \$550,000." This amount shall be adjusted by the same amount and at the same time as any change to the threshold for application of the Truth in Negotiations Act pursuant to 41 U.S.C. 254b(a)(7).

[70 FR 31381, June 1, 2005]

**PART 1616—TYPES OF CONTRACTS****Subpart 1616.1—Selecting Contract Types**

Sec.

1616.102 Policies.

1616.105 Solicitation provision.

**Subpart 1616.70—Negotiated Benefits Contracts**

1616.7001 Clause—contracts based on a combination of cost and price analysis (community rated).

1616.7002 Clause—contracts based on cost analysis (experience rated).

AUTHORITY: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

SOURCE: 52 FR 16041, May 1, 1987, unless otherwise noted.

**Office of Personnel Management**

**1616.7002**

**Subpart 1616.1—Selecting Contract Types**

**1616.102 Policies.**

All FEHBP contracts shall be negotiated benefits contracts.

[62 FR 47575, Sept. 10, 1997]

**1616.105 Solicitation provision.**

FAR 16.105 has no practical application because the statutory provisions of 5 U.S.C. chapter 89 obviate the issuance of solicitations.

**Subpart 1616.70—Negotiated Benefits Contracts**

SOURCE: 62 FR 47575, Sept. 10, 1997, unless otherwise noted.

**1616.7001 Clause—contracts based on a combination of cost and price analysis (community rated).**

The clause at section 1652.216-70 shall be inserted in all FEHBP contracts based on a combination of cost and price analysis (community rated).

**1616.7002 Clause—contracts based on cost analysis (experience rated).**

The clause at section 1652.216-71 shall be inserted in all FEHBP contracts based on cost analysis (experience rated).