United States Department of the Interior

OFFICE OF THE SECRETARY
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TAKE PRIDE IN AMERICA

Department of the Interior Acquisition Policy Release (DIAPR) 2010-14

Subject: **USE AND REPORTING OF CONTRACTOR PERFORMANCE INFORMATION**

References: Federal Acquisition Regulation (FAR) Subpart 42.15,
Office of Federal Procurement Policy Memorandum, *Improving the Use of Contractor Performance Information*, dated July 29, 2009

1. Purpose:

This DIAPR establishes Departmental policy regarding the use and reporting of contractor performance information. This DIAPR supersedes DIAPR 2003-01, *Use of Past Performance Information from ppirs.gov by DOI Contracting Officers*; and DIAPR 2002-05, *Federal Acquisition Regulation (FAR) Deviation, Performance Evaluation Forms*.

2. Effective Date:

Upon signature.

3. Expiration Date:

This DIAPR will remain in effect until canceled or superseded. This guidance may be implemented in the DIAR as appropriate.

4. Background and Explanation:

Recent FAR changes at subpart 42.15 outline new requirements for the use and reporting of contractor performance information. In addition to clarifying those dollar thresholds and contract types for which past performance evaluations are required, the changes also require agencies to implement procedures to (1) ensure that the evaluations are submitted electronically to the Past Performance Information Retrieval System (PPIRS), a web-based system that serves as the single, government-wide repository for contractor performance information; (2) identify agency officials responsible for preparing interim and final performance evaluations; and (3) consider the achievement of small business goals in performance evaluations when the contract includes a small business subcontracting plan. OFPP and the FAR Council are working on additional guidance for agencies in this area, and this DIAPR will be amended as needed to implement those changes.

5. **Action Required:**

DOI Bureau Procurement Chiefs (BPCs) must ensure the following actions are taken and roles and responsibilities assigned with regard to the use and reporting of contractor performance information.

Use of Information in PPIRS During Source Selection:

To meet the requirements of FAR 15.304(c)(3)(i), DOI Contracting Officers (COs) shall use PPIRS available at www.ppirs.gov to retrieve past performance information for use in the source selection process for all negotiated competitive acquisitions expected to exceed the simplified acquisition threshold, unless they have documented the reason past performance is not an appropriate evaluation factor in accordance with FAR 15.304(c)(3)(iii). This applies to initial awards of new contracts as well as awards under existing contract vehicles such as Federal Supply Schedule (FSS) contract and Governmentwide Acquisition Contracts (GWACs).

Potential offerors shall be notified in the solicitation that PPIRS will be used as a source of past performance information in the source selection process, in addition to any other past performance information required under the solicitation. The CO shall ensure that available, relevant reports contained in PPIRS are provided to the evaluation team and used in the source selection process. Any reports used must be retained in the record of the evaluation.

Use of the Contractor Performance Assessment Reporting System (CPARS) for Reporting of Past Performance Evaluations:

The Office of Acquisition and Property Management (PAM) has signed a Memorandum of Understanding with the Defense Procurement and Acquisition Policy Office to establish a pilot program for DOI access to CPARS and its Program Management Office (PMO) to meet the requirements of FAR 42.1502 for preparing past performance evaluations.

In accordance with FAR 42.1502, past performance evaluations shall be prepared for the following eligible contract actions:

- Supplies and services contracts exceeding the simplified acquisition threshold (including DOI Indefinite-Delivery/Indefinite Quantity (IDIQ) contracts and Blanket Purchase Agreements (BPAs));
- Task and delivery orders exceeding the simplified acquisition threshold against FSS contracts, GWACs, and Multi-agency contracts;
- Construction contracts of $550,000 or more, and each construction contract terminated for default regardless of dollar value; and
- Architect-engineer services contracts of $30,000 or more, and each architect-engineer services contract terminated for default regardless of dollar value.

For those contract actions identified above, a final past performance evaluation must be prepared at contract completion. For contracts in which the period of performance exceeds

18 months, an interim evaluation must be prepared at least annually, or at the end of the base period and at the end of each option period, whichever is later. Evaluations must be completed within 120 days after the end of the assessment period. This time frame includes the required 30-day contractor comment period.

Past performance evaluations for contracts that contain a Small Business Subcontracting Plan must include an assessment of contractor performance against, and efforts to achieve, the goals identified in the Small Business Subcontracting Plan.

BPCs may establish lower dollar thresholds than those identified above and may require past performance evaluations to be completed for additional types of contract actions, such as requiring past performance evaluations to be completed for each task and delivery order placed against a DOI IDIQ contract or BPA, rather than an evaluation being prepared for the overall IDIQ contract or BPA.

The Federal Awardee Performance and Integrity Information System (FAPIIS) is a module within CPARS that is used to collect contractor and grantee performance information, including Terminations for Cause or Default, Defective Cost and Pricing Data, and Determinations of Non-Responsibility. Once records are entered in FAPIIS, they become available in PPIRS for information retrieval. Use of the FAPIIS module is mandatory per FAR 9.1 beginning April 22, 2010. The FAR requires COs to check contractor performance and integrity information found in the FAPIIS module of PPIRS prior to awarding a contract in excess of the simplified acquisition threshold, and to document how this information was used in the responsibility determination. COs are also required to enter information into FAPIIS (through CPARS) when taking those actions listed above related to performance. BPCs must ensure COs are given access to the FAPIIS module of CPARS as necessary to fulfill FAR requirements as part of our implementation of CPARS at DOI.

Implementation Schedule:

PAM will work with the CPARS PMO and DOI bureaus and offices to implement CPARS during calendar year 2010. CPARS shall be implemented at DOI according to the following schedule:

- Senior Command Officials for DOI bureau/office implementation of CPARS must be designated by March 12, 2010.
- Each DOI bureau/office must submit its internal CPARS Implementation Plan to the Agency POC by May 14, 2010. The Plan must include, at a minimum, information on the bureau/office's focal point structure (projected numbers of focal points and focal point alternates and their locations), and a schedule with actions and dates.
- Focal point structure must be established with focal point assignments made to specific individuals in each DOI bureau/office by June 30, 2010.
- Senior Command Officials and Focal Points must have access to and be trained in the use of CPARS by October 1, 2010.
- Use of CPARS will be mandatory for reporting of past performance evaluations by DOI contracting activities on November 15, 2010, for any eligible contract actions

identified above and awarded October 1, 2010, or later. Bureaus must enter all past performance evaluations into an electronic past performance system beginning November 15, 2010; however, bureaus that have been using an alternate system, such as the National Institutes of Health Contractor Performance System, may enter past performance evaluations there for eligible contract actions awarded prior to October 1, 2010.

Roles and Responsibilities for Use and Reporting of Contractor Performance Information:

Agency Point-of-Contact (POC) – The PAM office analyst responsible for management and oversight of reporting of DOI contractor performance information in CPARS. The DOI POC will conduct compliance and quality assessments of DOI past performance information entered into CPARS and retrieved from PPIRS as part of the PAM Acquisition Management Review (AMR) process.

Assessing Official (AO) – Responsible for completion of past performance evaluations in CPARS, including review of any contractor comments, and referral to the Reviewing Official those past performance evaluations in which there is a dispute between DOI and its contractor. The CO for the eligible contract to be evaluated will usually be assigned this role.

Assessing Official Representative (AOR) – Responsible for preparing past performance evaluations and entering them in CPARS as directed by the CO. The CO for an eligible contract may designate the Contracting Officer's Technical Representative (COTR) for that contract as the AOR as part of his or her COTR responsibilities.

Contracting Officer (CO) – Responsible for use and reporting of contractor performance information in accordance with the FAR and this DIAPR. COs are AOs for the purpose of entering past performance information into CPARS. COs may direct AORs to prepare past performance evaluations and enter them into CPARS, but the CO must ensure timely and accurate reporting of past performance evaluations. In those cases where a COTR will be designated as the AOR for a contract, the CO should inform the COTR of this responsibility in the COTR appointment memorandum.

Contractor Representative – Responsible for reviewing a DOI past performance evaluation and providing comments on behalf of the contractor. This individual may be identified in the contractor's Central Contractor Registration (CCR) points of contact as "Past Performance Primary POC" or "Past Performance Alternate POC."

Focal Point (FP) – System administrators responsible for providing system access to users within the FP's assigned contracting activity, and for registering eligible contracts in CPARS so that AOs and AORs may prepare past performance evaluations.

Reviewing Official – Responsible for resolving a dispute between DOI and its contractor about a past performance evaluation. This individual must be at least one level above the CO administering the contract or order.

Senior Command Official (SCO) – Responsible for implementation of CPARS within his or her bureau/office, working with the POC and BPC to establish the focal point structure for the bureau/office, and ensuring focal points and users have access to the system and receive training on the system. The SCO may be assigned CPARS compliance and quality assessment responsibility as part of the bureau/office AMR process.

BPCs may establish additional roles and responsibilities necessary to implement CPARS and the requirements outlined in this DIAPR.

Please disseminate this guidance within your bureau. It will also be available on the web at http://www.doi.gov/pam/diapr.html. You may contact Tiffany Schermerhorn of PAM on (202) 513-0747 or Tiffany_Schermerhorn@ios.doi.gov if you have any questions regarding this policy issuance.

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