



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

September 10, 2013

Department of the Interior Acquisition Policy Release (DIAPR) 2010-14, Amendment 3

Subject: USE AND REPORTING OF CONTRACTOR PERFORMANCE INFORMATION

References: Federal Acquisition Regulation (FAR) Subpart 42.15, Office of Federal Procurement Policy Memorandum, *Improving the Collection and Use of Information about Contractor Performance and Integrity*, dated March 6, 2013

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*.

DIAPR 2010-14, Amendment 3 also supersedes all previous versions and amendments of DIAPR 2010-14.

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This DIAPR will remain in effect until canceled or superseded.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:

FAR 42.1503 requires agencies to establish agency procedures for evaluation of contractor past performance, including the use of the Contractor Performance Assessment Reporting System (CPARS), the Federal Awardee Performance and Integrity Information System (FAPIIS), and the Past Performance Information Retrieval System (PPIRS). Departmental policy regarding use and reporting of contractor performance information was established through DIAPR 2010-14, issued April 19, 2010, and subsequent amendments. This DIAPR amendment will update and consolidate previous DOI policy related to contractor past performance.

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) contracts 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.

To the maximum extent practicable, COs should use PPIRS as the sole source of past performance information and should minimize the use of alternative methods for collecting this information.

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

The Office of Acquisition and Property Management (PAM) has a Memorandum of Understanding with the Defense Procurement and Acquisition Policy Office to use CPARS to meet the requirements of FAR 42.1502 for preparing past performance evaluations. Use of CPARS as the mechanism for completing past performance evaluations is mandatory.

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 Vehicles (IDV));
- 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 that meet the thresholds above and which have a total period of performance that exceeds 12 months, interim evaluations must be prepared at least annually. For contracts with a base period of one year followed by one or more one-year option periods, evaluations should be completed after the base period and at the end of each option period. For contracts that follow a different structure, the CO shall use business judgment to determine the best evaluation schedule. An evaluation in CPARS cannot cover a period of time that exceeds 12 months.

Evaluations must be completed within 120 days after the end of the assessment period. This time frame includes the required 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.

Indefinite delivery vehicles (IDV) that are awarded by DOI and have a total value which is expected to exceed the relevant threshold fall under this CPARS requirement. There are two possible methods of reporting for these contracts. Past performance evaluations shall either be prepared for each individual order or at the IDV level.

- *IDV level reporting*: For IDVs where the majority of the orders are substantially similar in size, scope, and complexity, past performance evaluations may be prepared at the IDV level. For such IDVs, one past performance evaluation that evaluates performance on all orders would be prepared for each 12-month period of the contract. A good example of a contract for which this type of reporting is appropriate would be an IDV for aviation services where each order is for flight services.
- *Order level reporting*: For IDVs where the orders are not similar in size, scope, and complexity, past performance evaluations should be prepared at the order level for all orders that exceed the relevant dollar threshold. In this case, each order would be treated as if it were a contract of the same dollar amount and duration.

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.

The Federal Awardee Performance and Integrity Information System (FAPIIS)

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 default and cause, terminations for material failure to comply (grants), defective pricing, non-responsibility determinations, recipient not-qualified determinations (grants), and administrative agreements. 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.

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 any of the following actions: Terminations for Default, Terminations for Cause, Terminations for Material Failure to Comply (grants), Defective Pricing, Non-Responsibility Determinations, Recipient Not-Qualified Determinations (grants), and Administrative Agreements.

Access to PPIRS, CPARS and FAPIIS

BPCs shall establish the necessary points of contact in order to manage access to PPIRS, CPARS, and FAPIIS. For PPIRS, each bureau must have an agency point of contact. DOI personnel shall obtain access to PPIRS by submitting a request through the PPIRS website. The bureau POC will then either approve or deny the request.

For CPARS and FAPIIS, new users must be entered into the system by a Focal Point. Each bureau shall appoint a Bureau Lead Point of Contact for CPARS and FAPIIS. BPCs shall also designate Focal Points for the bureau. The number of Focal Points will vary from bureau to bureau according to the needs of each organization. DOI acquisition personnel requiring access to the system should submit a request to the appropriate Focal Point.

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 shall be assigned this role.

Assessing Official Representative (AOR) – Responsible for preparing past performance evaluations 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.

Bureau Point of Contact – 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.

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 shall be the Bureau Procurement Chief.

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

Notice to Contractors

COs must include the CPARS notice in Attachment 1 in the solicitation and final award for all eligible contract actions. COs may include the notice as an attachment to the order or contract, as part of the Statement of Work or Executive Summary, as part of an award letter to the contractor, or by other means as appropriate to the acquisition.

Contractor Performance and Integrity Data Quality Reviews

In accordance with Office of Federal Procurement Policy guidance, PAM shall set annual and quarterly past performance reporting compliance targets. The compliance target for all bureaus for reporting to FAPIIS is 100%.

No later than October 15 of each fiscal year, PAM will provide bureaus with a compliance report from the preceding fiscal year. This report shall include the following:

- Bureau Past Performance Reporting Compliance. This data will be obtained using the standard report available in PPIRS. It is calculated by comparing the number of reports in PPIRS to the number of required reports based on FPDS-NG data.
- Bureau Termination for Default or Cause Compliance. This data will be calculated using the FPDS-NG standard report "Contract Termination for Default/Cause" compared to data in FAPIIS.

Each BPC, or designated Contractor Performance and Integrity Data Quality POC, must submit a Contractor Performance and Integrity Data Quality Report for his or her bureau to PAM by November 15, for the previous fiscal year. Each report must include, at a minimum:

- Corrective Action Plan for Past Performance Reporting Compliance. If the bureau's annual past performance reporting compliance provided by PAM demonstrates that the bureau has performed below the annual compliance target, the bureau shall provide a detailed corrective action plan that describes methods to bring compliance up to the target in the current fiscal year.
- Termination for Default or Cause Corrections. If the information provided by PAM indicates that any terminations for default or cause have not been reported in FAPIIS, the bureau shall ensure that these are reported as required and shall include documentation of this correction in their annual report. Documentation shall consist of the date on which the action was entered in FAPIIS and the name of the individual who recorded the action.
- Past Performance Review Quality Review Results. Bureaus shall review a sample of the past performance reports to assess the overall quality and usefulness of the reports. Bureaus shall review at least 5% of the reports in PPIRS that were completed by the bureau in the preceding fiscal year. Bureaus may use any method to select reports to review. Review methodology and criteria will be developed by PAM and disseminated to bureaus by July 1 of each fiscal year. The purpose of this review is not to assess whether the report was completed as required or within the required timeframes. Rather, this review shall assess whether the reports contain sufficient details and descriptions to be useful to future source selection officials.

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 Megan Olsen of PAM on (202) 513-0692 or megan_olsen@ios.doi.gov if you have any questions regarding this policy issuance.



Debra E. Sonderman, Director
Office of Acquisition and Property Management

Attachment.

Notice to Contractors

Notice to Contractors**CONTRACTOR PERFORMANCE ASSESSMENT REPORTING SYSTEM (JULY 2010)**

(a) FAR 42.1502 directs all Federal agencies to collect past performance information on contracts. The Department of the Interior (DOI) has implemented the Contractor Performance Assessment Reporting System (CPARS) to comply with this regulation. One or more past performance evaluations will be conducted in order to record your contract performance as required by FAR 42.15.

(b) The past performance evaluation process is a totally paperless process using CPARS. CPARS is a web-based system that allows for electronic processing of the performance evaluation report. Once the report is processed, it is available in the Past Performance Information Retrieval System (PPIRS) for Government use in evaluating past performance as part of a source selection action.

(c) We request that you furnish the Contracting Officer with the name, position title, phone number, and email address for each person designated to have access to your firm's past performance evaluation(s) for the contract no later than **30 days after award**. Each person granted access will have the ability to provide comments in the Contractor portion of the report and state whether or not the Contractor agrees with the evaluation, before returning the report to the Assessing Official. The report information must be protected as source selection sensitive information not releasable to the public.

(d) When your Contractor Representative(s) (Past Performance Points of Contact) are registered in CPARS, they will receive an automatically-generated email with detailed login instructions. Further details, systems requirements, and training information for CPARS is available at <http://www.cpars.csd.disa.mil/>. The CPARS User Manual, registration for On Line Training for Contractor Representatives, and a practice application may be found at this site.

(e) Within 60 days after the end of a performance period, the Contracting Officer will complete an interim or final past performance evaluation, and the report will be accessible at <http://www.cpars.csd.disa.mil/>. Contractor Representatives may then provide comments in response to the evaluation, or return the evaluation without comment. Comments are limited to the space provided in Block 22. Your comments should focus on objective facts in the Assessing Official's narrative and should provide your views on the causes and ramifications of the assessed performance. In addition to the ratings and supporting narratives, blocks 1 – 17 should be reviewed for accuracy, as these include key fields that will be used by the Government to identify your firm in future source selection actions. If you elect not to provide comments, please acknowledge receipt of the evaluation by indicating "No comment" in Block 22, and then signing and dating Block 23 of the form. Without a statement in Block 22, you will be unable to sign and submit the evaluation back to the Government. If you do not sign and submit the CPAR within 30 days, it will automatically be returned to the Government and will be annotated: "The report was delivered/received by the contractor on (date). The contractor neither signed nor

offered comment in response to this assessment.” Your response is due within 30 calendar days after receipt of the CPAR.

(f) The following guidelines apply concerning your use of the past performance evaluation:

(1) Protect the evaluation as “source selection information.” After review, transmit the evaluation by completing and submitting the form through CPARS. If for some reason you are unable to view and/or submit the form through CPARS, contact the Contracting Officer for instructions.

(2) Strictly control access to the evaluation within your organization. Ensure the evaluation is never released to persons or entities outside of your control.

(3) Prohibit the use of or reference to evaluation data for advertising, promotional material, preaward surveys, responsibility determinations, production readiness reviews, or other similar purposes.

(g) If you wish to discuss a past performance evaluation, you should request a meeting in writing to the Contracting Officer no later than seven days following your receipt of the evaluation. The meeting will be held in person or via telephone or other means during your 30-day review period.

(h) A copy of the completed past performance evaluation will be available in CPARS for your viewing and for Government use supporting source selection actions after it has been finalized.

(End of notice)