

Contractor Performance Information



Guiding Principles

- The primary purpose of past performance evaluations is to ensure that accurate data on contractor performance is current and available for use in source selections.
- A past performance evaluation report provides a record of a contractor's performance, both positive and negative, on a given contract during a specified period of time.
- The quality of the narrative component supporting the past performance information evaluation is critical.
- If the evaluator takes the time to prepare an accurate and complete report, the evaluator helps ensure better quality in the products and services DOE buys now and those DOE plans to buy in the future.
- 100% reporting is DOE's annual performance target in Fiscal Year 2015. See performance targets under Section I. A. for details.

This chapter incorporates the Office of Federal Procurement Policy (OFPP) policy that became effective October 1, 2010, Contractor Performance Assessment Reporting System (CPARS) is the single government-wide feeder system for past performance information reporting. This chapter supplements the CPARS Guide and related user manuals for all modules available at the CPARS website. The CPARS Guide includes consistent processes and procedures for agencies to use when reporting on past performance information and should be read in conjunction with Federal Acquisition Regulation (FAR) Part 42.15 and other FAR Parts related to past performance information. When needed, this Acquisition Guide Chapter provides additional guidance.

This update incorporates the March 6, 2013 OFPP memorandum on *Improving the Collection and Use of Information about Contractor Performance and Integrity*, the memorandum provides guidance to agencies on how to improve the collection and use of performance and integrity information. The last part of Section I. A. provides a summary of the

memorandum. In addition to revisions in Section I, other related changes or updates are made throughout Sections II, III and VI. No changes are made to the March 2013 Attachment A on Ratings and Narratives of this chapter.

This chapter has six sections. Section I provides an overview of DOE's policy and procedures on evaluating contractor performance information. Section II describes DOE's application of the Contractor Performance Assessment Reporting System (CPARS). Section III addresses DOE's internal management controls and the compliance assessments of contractor performance information. Section IV has best practices to address contractor performance information. Section V has references. Section VI has points of contact.

Section I. OVERVIEW

FAR Part 42.15 – Contractor Performance Information requires that contractor performance information be collected and maintained. This information is used to evaluate past performance of an offeror as described in a solicitation in accordance with FAR Part 15. The Acquisition Guide has two chapters addressing the implementation of FAR Part 42.15 – Contractor Performance Information. This chapter sets forth policy, assigns roles and responsibilities, and provides procedures for evaluating contractor performance as required by FAR Part 42.15. Acquisition Guide Chapter 42.16, Reporting Other Contractor Information into Federal Awardee Performance and Integrity Information System, addresses the data entry procedures and management for reporting other contracting information into the Federal Awardee Performance and Integrity Information System (FAPIIS) module in CPARS.

A. OFPP Guidance

The Federal Acquisition Streamlining Act of 1994, at section 1091, amended the Office of Federal Procurement Policy (OFPP) Act to specify that past performance is a relevant factor to consider in contractor selection. It directs OFPP to issue guidance on the use of past performance in contractor source selections.

In the July 29, 2009 OFPP memorandum on *Improving the Use of Contractor Performance Information*, the memorandum describes new requirements in the FAR to strengthen the use of contractor performance information, outlines associated management responsibilities that agency Chief Acquisition Officers (CAOs) and Senior Procurement Executives (SPEs) must take to support robust implementation of these practices, and establishes the review process that OFPP will use to further improve contractor performance information. A copy of this memorandum is available at http://www.whitehouse.gov/omb/procurement_index_memo/.

On July 2, 2010, the OFPP Administrator advised the Chief Acquisition Officers' Council that, effective October 1, 2010, CPARS would become the single government-wide feeder system for past performance information reporting. OFPP along with other Federal agencies converted the Department of Defense (DoD) guide to a government-wide guide.

Section of II this Acquisition Guide Chapter provides a brief summary of the new CPARS Guide along with the website address.

In the March 6, 2013 OFPP memorandum on *Improving the Collection and Use of Information about Contractor Performance and Integrity*, the memorandum provides guidance to agencies on how to improve the collection and use of performance and integrity information. OFPP worked with the Integrated Acquisition Change Control Board, which DOE is a member, to develop compliance tracking tools for measuring and managing agency reporting efforts. As a result, OFPP established Governmentwide annual reporting performance targets. DOE’s performance targets are:

<u>Fiscal Year</u>	<u>Performance Target</u>
2013	85%
2014	95%
2015	100%

OFPP has developed reporting at the OMB MAX Information System (MAX) site. The MAX site includes metrics from the standard PPIRS Compliance Metric Report and allows agencies to record their baseline and target information at <https://max.omb.gov/community/x/JoNKJQ>. A summary of the reports and tools available for use in this reporting are listed in the table below, and the MAX site will also include best practices gathered from earlier OFPP-led Acquisition Status (AcqStat) meetings. The DOE Agency Coordinator is responsible for MAX site reporting. The DOE Agency Coordinator is in Systems Division MA-662 within the Office of Systems and Professional Development under the Office of Acquisition and Project Management.

PAST PERFORMANCE REPORTING AND FAPIIS DATA MANAGEMENT REPORTS				
Report	Description	Outcome	Access Reports	Location
CPARS Monthly Metric	Tracks agency monthly reporting activity for CPARS.	This report lists the number of contracts, CPARS reports in process, completed reports, total completed and in process reports, and the total contract dollar amount broken down by Agency/DOD Service to the contract office level.	*DOE Agency Coordinator receives monthly metric report.	www.cpars.gov
PPIRS-RC statistics report	Tracks quarterly reporting activity of completed past performance reports.	This report includes PPIRS-RC assessment data availability, assessments accessed, and other information.	*DOE Agency Coordinator receives quarterly metric reports.	www.ppirs.gov
PPIRS Compliance Metric Report	Compares the number of eligible actions in the Federal Procurement Data System (FPDS) with the completed evaluations in PPIRS.	Shows the number of actions required in PPIRS against actions completed in PPIRS. This report identifies delinquent reporting gaps.	*DOE Agency Coordinator, or if so designated by the DOE Agency Coordinator DOE Focal Points, can access this report.	www.ppirs.gov
FAPIIS Public Report	Provides agency and contractor reported information on a public facing database.	Shows information reported into FAPIIS.	Agency personnel and the public can see this report.	www.fapiis.gov
FPDS-NG termination for default or cause information report	Provides information on contracts that were terminated for default (or cause) by agency, department and service, component or bureau, contracts.	Shows reporting compliance for terminations for default or cause. Information can be used to help agencies analyze and monitor the contractors terminated, frequency of these actions, and review the rationale for these actions.	Agency personnel and members of the public with a valid FPDS-NG user account can obtain this information.	https://www/fpds.gov (go to under standard reports and click <i>How</i>)
<p>Note: The primary reports are listed above but additional reports are available on the CPARS and PPIRS website. Questions about these reports should be directed the respective website helpdesk.</p> <p>*The DOE Agency Coordinator is in the Systems Division MA-662 within the Office of Systems and Professional Development under the Office of Acquisition and Project Management. Contact this office directly by e-mail at HQProcurementSystems@hq.doe.gov.</p>				

B. General

As of October 2008, CPARS is the mandatory Department of Energy (DOE) system used to report contractor performance into Past Performance Information Retrieval System (PPIRS). PPIRS is the official Government source to retrieve contractor performance information.

The primary purpose of past performance evaluations is to ensure the contractor is held accountable for its performance and that accurate data on contractor performance is current and available for use in source selections. Performance evaluations will be used as a resource in awarding best value contracts and orders to contractors that consistently provide quality, on-time products and services that conform to contractual requirements. Evaluations can be used to effectively communicate a contractor's strengths and weaknesses to source selection officials.

DOE uses CPARS for reporting and collecting past performance evaluations, as required by the FAR. CPARS is an automated contractor performance information database that feeds the evaluations to the government-wide PPIRS, which is the single, authorized application to retrieve contractor performance information.

Contractor performance on a classified contract is not exempt from evaluation. Contractor performance evaluation on a classified program will be managed in accordance with the records management procedures in the DOE Information Security Manual (DOE M 470.4-A or its successor version). Copies of classified contractor performance evaluations will be maintained and distributed in accordance with the DOE Information Security Manual. *Evaluations of classified contracts shall not be entered into CPARS or PPIRS.*

Through PPIRS, the contractor performance information can be retrieved by the contracting activity for use in the source selection process to support making an award based on a best value. Government access to PPIRS is restricted to those individuals who are working on source selections. Each contracting activity shall have a PPIRS Access Authorization Agent who controls and provides government access.

Section II. CPARS Application

CPARS is a web-enabled application that collects and manages the library of automated evaluations and is available at <http://www.cpars.gov/>. CPARS facilitates communication and cooperation between the Federal Government and industry. It provides contractor performance information to include Government ratings and narratives, as well as industry narratives.

Irrespective of the type or complexity of the contractor performance appraisal systems (e.g., performance based acquisition reviews, performance evaluation and measurement reports, contract management plans, award fee determinations, etc.) that are used by DOE program elements, contractor performance evaluations required by FAR 42.15 must be entered into CPARS.

Since all Federal agencies use CPARS, the CPARS guidance and user manuals were updated to include civilian and defense agencies. Guidance for the Contractor Performance Assessment Reporting System (CPARS), November 2012 or current version, herein referred to as the “CPARS Guide,” is based on the authorities prescribed by the FAR and Department of Energy Acquisition Regulation (DEAR) and its supplements. The CPARS Guide is non-regulatory in nature and intended to provide useful information and best practices for using CPARS. The CPARS Guide is available at <http://www.cpars.gov/>. The CPARS Guide includes consistent processes and procedures for agencies to use when reporting on past performance information and should be read in conjunction with FAR Part 42.15 and other FAR Parts related to past performance information. When needed, this Acquisition Guide Chapter provides additional guidance.

The CPARS Guide identifies roles and responsibilities, and provides guidance and procedures for systematically assessing contractor performance as required by FAR Part 42.15. At this time, the CPARS Guide pertains only to the CPARS module and not the Architect-Engineer Contract Administration Support System (ACASS) and Construction Contractor Appraisal Support System (CCASS) modules.

For descriptions of CPARS technical functionality, workflow, and flowcharts, see the CPARS User Manual. For ACASS and CCASS policy, see ACASS/CCASS User Manual. Both user manuals are available at <http://www.cpars.gov/>. The User Manual for Contractor Performance Assessment Reporting System (CPARS), November 2012 or current version, herein referred to as the “CPARS User Manual,” provides working-level procedures for entering, updating, revising, and viewing information in the CPARS Automated Information System (AIS). Detailed requirements of the CPARS business processes are contained in the CPARS Guide. The AIS supports the electronic processing of Contractor Performance Assessment Reports. The CPARS User Manual translates business process requirements into detailed step-by-step procedures for individuals utilizing the automated CPARS process.

For ACASS and CCASS policy guidance refer to this Acquisition Guide Chapter, the Architect-Engineer Contract Administration Support System (ACASS) Policy Guide, June 2011 or current version, herein referred to as “ACASS Policy Guide,” and the Construction Contractor Appraisal Support System (CCASS) Policy Guide, June 2011 or current version, herein referred to as the “CCASS Policy Guide.” The ACASS and CCASS Policy Guides will not be updated. In the future, ACASS and CCASS will roll into the CPARS module and will no longer be stand alone modules. Once ACASS and CCASS are transition into CPARS module, there will be a consolidated CPARS guide for all types of business sectors.

For ACASS and CCASS, the User Manual for Architect-Engineer Contract Administration Support System (ACASS) and Construction Contractor Appraisal Support System (CCASS), November 2012 or current version, herein referred to as the “ACASS/CCASS Manual,” provides working-level procedures for entering, updating, revising, and viewing information in ACASS and CCASS AISs. Detailed requirements of the ACASS and CCASS business processes are contained in the ACASS and CCASS policy guides. This manual

translates business process requirements into detailed step-by-step procedures for individuals utilizing the automated ACASS/CCASS process.

The ACASS and CCASS Policy Guides and ACASS/CCASS User Manual are available at <http://www.cpars.gov/>.

A. Roles and Responsibilities in CPARS

See CPARS Guide Section C – Responsibilities Assigned for an explanation of the responsibilities for each role mentioned below. For ACASS and CCASS, see Section D – Roles and Responsibilities in the ACASS Policy Guide and CCASS Policy Guide.

- **Contract Data Entry (Optional role) (This is the only role that a support contractor can perform.)**
 - Manually register contract information for specific contract/order within 30 calendar days after award, if authorized by the contracting activity.
 - Run evaluation status reports.
 - View/print basic contract information.

- **Assessing Official Representative (AOR) (Federal Acquisition Certification (FAC) Certified Contracting Officer Representative)** (AOR is recommended by the Program Manager or designee.)
 - See CPARS Guide Section C.3.5.2 for roles and responsibilities.
 - See ACASS Policy Guide and CCASS Policy Guide Section D.6.3 for roles and responsibilities.
 - 100% reporting is required for FY2015. See performance target table in Section I. A. for targets.
 - Manually register contract information for specific contracts/orders within 30 calendar days after award (if determined by the contracting activity that this responsibility belongs to an AOR). If the Focal Point has auto registered the contract/order, then the AOR does not need to register the contract/order.
 - Initiate evaluations (only an AOR responsibility) to include the initial report, the interim report, if applicable and the final report.
 - To ensure quality, accurate and complete evaluations, prepare the evaluations using the CPAR Quality Checklist available at <http://www.cpars.gov/cparsfiles/cpars/qual62701.htm> prior to sending to the Assessing Official.
 - Update incomplete evaluations for specific contracts.
 - Delete incomplete evaluations for specific contracts.
 - View/print evaluations.
 - Run evaluation status reports.
 - Run contract status reports.

- **Assessing Official (AO) (Contracting Officer or Contract Specialist)**
 - See CPARS Guide Section C.3.5.3 for roles and responsibilities.
 - See ACASS Policy Guide and CCASS Policy Guide Section D.6.4 for roles and responsibilities.
 - Ensures the AOR and the Contractor are knowledgeable about CPARS and the available on-line training.
 - 100% reporting is required for FY2015. See performance target table in Section I. A. for targets.
 - Manually register contract information for specific contracts/orders within 30 calendar days after award (if determined by the contracting activity that this responsibility belongs to an AO). If the Focal Point has auto registered the contract/order, then the AO does not need to register the contract/order.
 - Update incomplete evaluations for specific contracts.
 - Delete incomplete evaluations for specific contracts.
 - View/print evaluations.
 - To ensure quality, accurate and complete evaluations, review all evaluations using the CPAR Quality Checklist available at <http://www.cpars.gov/cparsfiles/cpars/qual62701.htm> prior to sending to the contractor.
 - Run evaluation status reports.
 - Run contract status reports.

- **Contractor Representative (Contractor/Vendor)**
 - See CPARS Guide Section C.3.5.4 for roles and responsibilities.
 - See ACASS Policy Guide and CCASS Policy Guide Section D.6.5 for roles and responsibilities.
 - View completed evaluations for assigned contracts.
 - View status reports for assigned evaluations.
 - View status reports for assigned contracts.

- **Senior Contractor Representative (Contractor/Vendor – Optional)**
 - View completed evaluations for assigned contracts.
 - View contract status report for assigned contracts.
 - View evaluation status report for assigned contracts.
 - View rating metric report for assigned contracts.
 - View consolidated report (in ACASS/CCASS* only).
 [*Architect-Engineer Contract Administration Support Systems (ACASS)/
 Construction Contractor Appraisal Support System (CCASS)]

- **Reviewing Official (One level above Assessing Official)**
 - See CPARS Guide Section C.3.5.5 for roles and responsibilities.
 - See ACASS Policy Guide and CCASS Policy Guide Section D.6.6 for roles and responsibilities.
 - View/print evaluations.

- Ensure that the evaluation is a fair, accurate and supported by objective evidence of the Contractor's performance for the specific contract/order and performance period.
 - Ensure that the AOR is preparing and submitting quality, accurate and complete evaluations in accordance with the CPAR Quality Checklist.
 - Ensure that the AO is reviewing the evaluations for quality, accurate and complete evaluations in accordance with the CPAR Quality Checklist.
 - 100% reporting is required for FY2015. See performance target table in Section I. A. for targets.
 - Must acknowledge consideration of any significant discrepancies between the AO's evaluation and the Contractor's remarks.
 - Resolve disagreements on any evaluation.
 - View evaluation status report.
 - View contract status report.
 - Required to comment and close evaluation.
- **Focal Point (CPARS point of contact at contracting activities)**
 - See CPARS Guide Section C.3.5.1 for roles and responsibilities.
 - See ACASS Policy Guide and CCASS Policy Guide Section D.6.1 for roles and responsibilities.
 - Ensure all users of CPARS are properly trained.
 - Authorize access to evaluations within own contracting activity and contractor personnel (source selection access not included).
 - Register or have the AORs or the AOs register all new contracts/orders meeting the thresholds identified in Table 1 “Business Sector, Dollar Threshold and Reviewing Official” in the CPARS AIS within 30 calendar days after contract/order award with the information for blocks 1-14 of the CPAR form. Registering the contract/order will establish the record and facilitate subsequent CPARS reporting.
 - Control and monitoring of CPARS, including the status of overdue evaluations to include notifying the Agency Point of Contact of reports more than 30 calendar days overdue.
 - 100% reporting is required for FY2015. See performance target table in Section I. A. for targets.
 - Support DOE annual reporting performance target and related activities in support of the target.
 - View status report for assigned evaluations.
 - View contract status report for assigned contracts.
 - View rating metrics for assigned evaluations.
 - View processing times report for assigned evaluations.
 - View/print evaluations.
 - Input a completed evaluation.
 - Delete a registered contract.
 - Establish local process to monitor the integrity (e.g., quality) of the evaluation.

- **Department Point of Contact and Agency Point of Contact (Agency Coordinator)**
(Office of Systems and Professional Development, Systems Division MA-662)
 - Department Point of Contact – See CPARS Guide Section C.3.2 for responsibilities.
 - Agency Point of Contact - See CPARS Guide Section C.3.3 for responsibilities.
 - See ACASS Policy Guide and CCASS Policy Guide Section D.6. Requiring Activity.
 - Authorize access to Senior Agency Official (*Designated representative or Head of the Contracting Activity*).
 - View evaluation status report within agency.
 - View contract status report within agency.
 - View rating metric report within agency.
 - Support DOE Agency annual reporting performance target and leads related activities in support of the target. See performance target table in Section I. A. for targets.
 - Enters or uploads any OMB required reports at the OMB MAX site on quarterly basis. For details, see Office of Federal Procurement Policy’s (OFFP) March 6, 2013 memorandum *Improving the Collection and Use of Information about Contractor Performance and Integrity*.

- **Senior Agency Official (Designated representative or Head of the Contracting Activity)** (On-line CPARS information will title this position as Contracting or Requiring Office)
 - Contracting or Requiring Office – See CPARS Guide Section C.3.4 for responsibilities.
 - Ensure that all new contracts/orders meeting the thresholds identified in Table 1 “Business Sector, Dollar Threshold and Reviewing Official” are registered in the CPARS AIS within 30 calendar days after contract/order award with the information for blocks 1-14 of the CPAR form. Registering the contract/order will establish the record and facilitate subsequent CPARS reporting.
 - View evaluation status report within agency.
 - View contract status report within agency.
 - View rating metric report within agency.
 - View processing times report within agency.

- **Program Offices**
 - The Program Manager, or designee, shall recommend a FAC certified COR* (AOR) to be the Assessing Official Representative. This representative shall be trained in the use of the CPARS and perform the related responsibilities to include initiating and maintaining the evaluations. AORs typically are assigned from the technical, functional, or quality assurance areas.

 - The Program Manager, or designee, shall ensure that other relevant personnel communicate with the AOR regarding contractor performance. The personnel

can provide technical information about the contractor's performance to the AOR who can include this information in the evaluation.

* For information on a FAC certified COR, see DEAR 901.603-70 Appointment of Contracting Officers and Contracting Officer's Representatives and the Department of Energy Orders (DOE O) 541.1B Appointment of Contracting Officers and Contracting Officer Representatives and DOE O 361.1B Acquisition Career Management Program.

B. Reporting Criteria and Responsibility for Completing Evaluations

In order to ensure consistent, comprehensive, and meaningful contractor past performance information, the information shall be collected for all contract actions that require reporting into the Federal Procurement Data System-Next Generation (FPDS-NG) in accordance with FAR Subpart 4.6 – Contract Reporting and based on FAR 42.1502 thresholds (see below). It involves all contracts to include contracts for indefinite delivery, Management and Operating (M&O), national laboratories, major sites and facilities; Federal Supply Schedule orders, orders placed using Basic Ordering Agreements or Blanket Purchase Agreements; and task orders and delivery orders.

A CPAR evaluation report is separate and distinct from a FAPIIS report. When a contract action requires an evaluation report in accordance with this Chapter and a FAPIIS report in accordance with Chapter 42.16, the AOR or the AO is responsible to ensure the evaluation includes the relevant other contractor information in the evaluation.

➤ **Thresholds**

For thresholds, see FAR 42.1502 and the CPARS Guide Table 1 – Business Sector, Dollar Threshold and Reviewing Official. For contracts awarded or orders, the thresholds for preparing past performance evaluations or providing other contractor information are as follows:

- Supplies (products) and services > \$150,000 (simplified acquisition threshold)
- Construction > \$650,000 (or any amount in the case of a default termination)
- Architect-Engineer (A&E) services > \$30,000 (or any amount in the case of a default termination)
- Other contractor information – after issuance of a final determination by a contracting officer that a contractor:
 - Has submitted defective cost or pricing data, or
 - Has been issued a termination for cause or default notice, or
 - Has been issued any subsequent conversions or withdrawals for a termination for cause or default notice.

➤ **Business Sectors**

Each evaluation must identify the applicable business sector for the supply or service, to include A&E and construction. The Federal Supply Code (FSC) will determine the applicable business sector and subsector. In FPDS-NG, the code is called the Product Service Code (PSC). Based on DOE's FPDS-NG reporting, the facility management contracts which include M&Os and non-M&Os major site and facility contracts are under different FSC/PSC. Most of these contracts will be under the non-systems business sector. A few of these contracts will be under the systems business sector.

For CPARS business sectors, see CPARS Guide Table 1 – Business Sector Threshold and Reviewing Official and CPARS Guide - Attachment 1 Business Sectors. For A&E and construction business sectors, see the ACASS Policy Guide or the CCASS Policy Guide.

➤ **CPARS forms for non-systems or systems**

There are only two forms used in CPARS – non-systems or systems. A system sector/sub-element form is more technical than a non-systems form. Not all of the ratings apply to every contract and can be not applicable when necessary (e.g. cost control is not rated for firm-fixed price contracts).

The rating elements on a non-systems form include:

- Quality of Product or Service
- Schedule
- Cost Control
- Business Relations
- Management of Key Personnel
- Utilization of Small Business

The rating elements on a system form include:

- Technical (Quality of Product)
- Product performance
 - Systems engineering
 - Software engineering
 - Logistics support/sustainment
 - Product assurance
 - Other technical performance
- Schedule
- Cost Control
- Management (3 sub-elements)
 - Management responsiveness
 - Subcontract management

- Program and other management
- Utilization of Small Business

In addition, when the contract includes the clause 52.219-9, Small Business Subcontracting Plan, the evaluation shall include an evaluation of the contractor's performance against, and efforts to achieve the goals identified in the plan.

A past performance evaluation report provides a record of a contractor's performance, both positive and negative, on a given contract during a specified period of time. Each evaluation should use supportable program and contract management data and should be based on objective data, to the maximum extent practicable or subjective data, when objective data is not available. When a contract or order includes appropriated funds and non-appropriated funds, the contracting activity shall evaluate the contractor's performance as a whole and submit an evaluation report in accordance with the procedures in this chapter. Examples of supportable program and contract management data include cost performance reports, customer comments, quality reviews, technical interchange meetings, financial solvency assessments, construction/production management reviews, subcontracting reports, contractor operations reviews, functional performance evaluations, earned contract incentives, relationships with subcontractors and/or the government, resolution of labor issues, and timely payment to subcontractors.

To improve efficiency in preparing the evaluation report, it is recommended that the evaluation be completed together with other reviews e.g., performance based acquisition reviews, performance evaluation and measurement reports, contract management plans, award fee determinations, major program events, and quality assurance surveillance records.

C. Types of Contract Actions to Report in CPARS and Reports to Prioritize

➤ **Types of Contract Actions to Report**

All contract actions shall be reported in CPARS in accordance with the thresholds prescribed in paragraph B of this chapter. CPARS Guide Section B – Applicability and Scope provides a complete list and an explanation of the type of contract actions to report. ACASS Policy Guide and CCASS Policy Guide Section A – Policy, paragraph 4 – Additional Guidance provides a complete list and explanation of the type of contract actions to report. Below is a list of the more common type of contract actions that DOE awards.

- Definitive contracts* to include M&O and non-M&O major site and facility contracts
(**Definitive contract is any contract that must be reported to FPDS-NG*):
 - Individual evaluation for the contract.
- **Indefinite-Delivery-Indefinite-Quantity contracts, to include Energy Savings Performance Contracts:**
 - See CPARS Guide Section B.2.1. and 2.1.1.

For multi-agency contract(s) or Government-wide acquisition contract(s), prepare an individual evaluation for each order that exceeds the simplified acquisition threshold. If orders are similar in scope, the contracting officer may consider consolidating the evaluations. Refer to FAR 42.1502 (c).

- For single-agency task order and delivery order contract(s), the contracting officer may require evaluations for each order in excess of the simplified acquisition threshold when such evaluations would produce more useful past performance information for source selection officials than the overall contract evaluation (e.g., when the scope of the basic contracts is very broad and the nature of individual orders could be significantly different). Refer to FAR 42.1502 (d).

- **Blanket Purchase Agreements and Basic Ordering Agreements:**

- See CPARS Guide Section B.2.1. and 2.1.1.
- Prepare an individual evaluation for each order in excess of the simplified acquisition threshold. Consolidation of the orders is appropriate for the evaluation if the orders are similar in scope and are issued during the 12 month rating period.
- If there is only one contractor or vendor and the orders are similar in scope, one evaluation for the agreement covering all the orders issued during the 12 month rating period under the agreement is acceptable.

- **Federal Supply Schedules orders:**

- Requiring activity or ordering agency prepares an evaluation for each order that exceeds the simplified acquisition threshold.

- **Joint Ventures:**

- See CPARS Guide Section B.2.1. and 2.1.1.
- Single evaluation is prepared if there is a unique DUNS number.
- Multiple identical evaluations are prepared if there are separate DUNS numbers.

- **Undefinitized Contract Actions (UCAs):**

- Prior to definitization
 - Address performance beginning with date UCA is issued
 - Address contractor's ability to remain within UCA cost limitations
- Following definitization
 - Address contractor's efforts in promoting contract definitization
 - If definitized as cost type contract – continue to address cost control
 - If definitized as firm-fixed price contract – only address cost control efforts prior to definitization

- **Small Business Subcontracting Plan(s):**
 - When the contract includes the clause 52.219-9, Small Business Subcontracting Plan, the evaluation shall include an evaluation of the contractor's performance against, and efforts to achieve the goals identified in the plan.
 - When placing a task order or delivery order against a single-agency contract, the evaluation need not consider this subcontracting requirement, unless the contracting officer deems it appropriate. However, the evaluation of the contractor's performance against, and efforts to achieve the goals identified in the plan, is required at the contract level.

- **Construction Contract(s) or Architect-Engineer Services Contract(s):**
 - See ACASS Policy Guide and CCASS Policy Guide Section A.4.
 - Report the evaluation of contractor performance for construction contracts or architect-engineer services contracts into Construction Contractor Appraisal Support System (CCASS) or to Architect-Engineer Contract Administration Support Systems (ACASS), respectively.

➤ **Reports to Prioritize**

In addition, to ensuring all applicable contracts and orders are registered and quality reports are submitted and completed in a timely manner, the AOR and the AO should prioritize performance evaluation reports for the following contracts and orders:

- High-risk contract types, such as cost-reimbursement or time and materials.
- Complex acquisitions, such as information technology support services, technical support services, operations support services, or site security services.
- High dollar value or major acquisitions, regardless of contract type, such as M&O, environmental remediation, or other non M&O major site facility.

D. Contract Performance Modules and Handling Information

The CPARS process is designed with a series of checks-and-balances to facilitate the objective and consistent evaluation of contractor performance. Both Government and contractor perspectives are captured. The opportunity to review and/or comment on an evaluation by the designated Government and contractor personnel together makes a complete evaluation. The application sends out automated email notifications on user access and reminders of evaluations to be entered and reviewed during each stage of the evaluation process. Please refer to the user manuals at the CPARS website for a listing of all the email notifications that are offered.

This application consists of three different contract performance modules that are designed for UNCLASSIFIED information and use only:

- Contractor Performance Assessment Reporting System (CPARS): Used to document contractor delivery and performance on systems and non-systems contracts including services, information technology, major systems, and operations support (spares and repair parts for existing systems, commercial off-the-shelf or non-developmental).
- Architect-Engineer Contract Administration Support Systems (ACASS): Used to document contractor performance on Architect-Engineer contracts.
- Construction Contractor Appraisal Support System (CCASS): Used to document contractor performance on construction contracts.
- For guidance on CPAR markings and protection, see CPARS Guide, Section E – Administrative Information, paragraph 5.1 and the DOE Order 473.1, Identifying and Protecting Official Use Only Information, dated 1/13/11, or current version, and the related DOE manual for appropriate procedures to identify and protect this information. All CPARS, ACASS, and CCASS information is treated as “For Official Use Only/Source Selection Information” in accordance with FAR 2.101 and 3.104. It is protected by the Privacy Act and is not releasable under the Freedom of Information Act. Performance evaluations may be withheld from public disclosure under the Freedom of Information Act exemptions.

The Government personnel, who are granted access to the CPARS, are responsible for ensuring that a CPAR evaluation is appropriately marked and handled. All CPAR forms, attachments and working papers must be marked “FOR OFFICIAL USE ONLY/SOURCE SELECTION INFORMATION - SEE FAR 2.101 AND 3.104” according to Freedom of Information Act Program, FAR 3.104, and 41 USC Sect. 423.

As CPARS contains Source Selection/Business Sensitive performance information, it is prohibited to transmit a CPAR evaluation as an attachment to an email. A CPAR evaluation may also contain information that is proprietary to the contractor. Information contained in the CPAR evaluation, such as trade secrets and protected commercial or financial data obtained from the contractor in confidence, must be protected from unauthorized disclosure. To ensure that future readers of the evaluations in the PPIRS are informed and will protect the information as required, the Assessing Official and the Reviewing Official shall annotate on the CPAR if it contains material that is proprietary, a trade secret, etc.

Due to the sensitive nature of a CPAR evaluation, disclosure of CPAR data to contractors other than the contractor that is the subject of the report, or other entities outside the Government, is not authorized. Disclosure of CPAR data to advisory and assistance support contractors other than the contractor that is the subject of the report is strictly prohibited. A contractor will be granted access to its CPAR evaluation maintained in the CPARS by the activity Focal Point.

E. Register a Contract

Registering contracts in CPARS is the process of entering basic contract award data and is required prior to initiating an evaluation. Subject to the applicable reporting thresholds, the contract/order must be registered within 30 calendar days after contract/order award. A contract may be registered in the Auto Register Contract feature or manually. For specific guidance on how to register a contract, refer to the applicable CPARS User Manual for CPARS or ACCASS/CCASS User Manual, November 2012 versions, or the latest versions. A brief overview is provided below.

➤ **Auto Register Contract Feature** (Focal Point)

Effective October 2010, the Auto Register Contracts feature is available to Civilian Agencies. The Auto Register Contracts feature provides the Focal Point the ability to produce and review a list of CPARS-eligible contracts. Auto registering a contract is the only function that the Focal Point may perform in the automated workflow process. To auto register a contract/order, the user must be logged into the system as a Focal Point and the Focal Point Main Menu must be displayed. From the list of eligible contracts, the Focal Point is able to quickly auto register individual contracts/orders in CPARS.

In February 2007, CPARS established an interface with the Federal Procurement Data System-Next Generation (FPDS-NG). This data feed is the basis for the Auto Register Contracts feature. The most recent three years of contract award information is available.

➤ **Manually Register Contract** (AOR, AO or Focal Point)

If the contract/order is not auto registered, then the contract must be manually registered by either the AOR, AO or Focal Point within 30 days from award by completing the basic contract information in Blocks 1 to 14.

F. Types of Evaluation Reports and Reporting Frequency

See the CPARS Guide Section D – Frequency of Reporting for Contracts and Orders and Types of Reports for details.

See Section A. Roles and Responsibilities for an explanation of the roles mentioned below.

Before any report can be entered the contract/order must be registered within 30 calendar days of award, see Section F. Register a Contract for this procedure.

➤ **Initial Report** (For CPARS module only)

- See CPARS Guide Section D.4.1.1 for interim reports and 4.1.3 for note on interim reports.
- Required if period of performance is greater than 365 calendar days (the initial report may be the first interim report and reflect at least the first 180 calendar

days of performance) – reporting is done on an annual basis based on the performance period.

- Not required if period of performance is less than 365 calendar days – see final report below (write the final report).
- No more than 12 months of actual performance.
- Evaluation period commences at contract award.

➤ **Interim (Intermediate) Reports**

- See CPARS Guide Section D.4.1.1 for interim reports, 4.1.2 for annual interim reports and 4.1.3 for note on interim reports.
- For all modules:
 - Complete with other reviews (e.g., Performance Evaluation and Measurement Reports, Contract Management Plans, Option Exercise, Award Fee Determinations, and Program Milestones).
 - Assessing Official Representative writes the evaluation and sends it to the Assessing Official.
 - Assessing Official reviews and sends the report to the contractor.
 - Required upon transfer of program management responsibility.
 - Required upon transfer of contract, blanket purchase agreement, or basic ordering agreement order to a different contracting activity.
 - Required upon a significant change in contractor performance.
 - Recommended prior to transfer of Assessing Official duties to another individual to ensure continuity.
- For CPARS module, an interim report is required every 12 months based on contract award date or required as stated above for all modules. Not cumulative. Assessment is done for the performance occurring since last evaluation period. Completion of the report is due 120 calendar days after the end of the assessment period.
- For CCASS module, an interim report is required when overall performance is unsatisfactory, at Government’s discretion, or required as stated above for all modules. The report is to be completed within 120 calendar days from the date the interim report is started. Note: A subsequent interim report replaces the prior interim. All information from the prior report is deleted from the module. Be sure to include in subsequent report(s) any information from previous report that is necessary to support the evaluation.
- For ACASS module, an interim report is required when overall performance is unsatisfactory, at Government’s discretion, or required as stated above for all modules. The report is to be completed within 120 calendar days from the date the interim report is started. Note: A subsequent interim report replaces the prior interim report. All information from the prior report is deleted from the module.

Be sure to include in subsequent report(s) any information from previous report that is necessary to support the evaluation.

➤ **Out-of-Cycle Report**

- Written, if there is significant change in performance that alters the evaluation in one or more evaluation areas, at
 - Government's discretion; or
 - Contractor's request.
- Address only those areas that have changed.
- No more than 1 out-of-cycle report may be completed per 12 month period of performance.
- Out-of-cycle evaluation does not alter the annual reporting requirement.

➤ **Final Report**

- See CPARS Guide Section D.4.2 for final report.
- For all modules:
 - Assessing Official Representative writes the evaluation and sends it to the Assessing Official.
 - Assessing Official reviews and sends the report to the contractor.
 - Required if there is a contract termination.
 - For CPARS module, a final report is due within 120 calendar days after the end of the evaluation period.
 - For CCASS, a final report is due within 120 calendar days from contract completion date.
 - For ACASS, a final report is due within 120 calendar days from contract completion date for either the design report or the construction report, whichever phase applies.
- For CPARS module, required at:
 - Contract completion (end of period of performance); or
 - Delivery of final end item(s).
 - Not cumulative. The report assesses only performance occurring since last evaluation period.
- For CCASS module, required at:
 - Substantial completion of construction project;
 - Termination(s) for default; or
 - When there was an unsatisfactory interim report, the assessing official must note in remarks of final report or amended final report, the following:
 - Circumstances surrounding unsatisfactory performance; and
 - Contractor's corrective action(s) taken or, if not corrected, document the contractor's failure to correct unsatisfactory performance.

- Note: this is critical to ensure that a thorough history of contractor past performance is captured and maintained.
 - Final report replaces prior interim report. All information from the prior report is deleted from the module. Be sure to include any information from previous report that is necessary to support the evaluation.
 - For ACASS module, required at:
 - There are two final reports required:
 - For design services at final acceptance of design work or after construction bid opening.
 - For construction, a separate report is to be completed after substantial completion of construction project
 - Termination(s) for default; or
 - When there was an unsatisfactory interim report, the assessing official must note in remarks of final report or amended final report, the following:
 - Circumstances surrounding unsatisfactory performance; and
 - Contractor’s corrective action(s) taken or, if not corrected, document the contractor’s failure to correct unsatisfactory performance.
 - Note: this is critical to ensure that a thorough history of contractor past performance is captured and maintained.
 - Final report replaces prior interim report. All information from the prior report is deleted from the module. Be sure to include any information from previous report that is necessary to support the evaluation.
- **Addendum Report**
- See CPARS Guide Section D.4.3 for addendum reports.
 - For CPARS Module:
 - May be prepared at the Government’s discretion after the final report, to record the contractor’s performance relative to:
 - Contract closeout;
 - Warranty performance; and/or
 - Other administrative requirements.
 - For CCASS and ACASS modules, an amended report is to be completed within 120 calendar days from the date the amended report is started.
 - For CCASS module:
 - Change to a completed final evaluation; or
 - Replaces prior final evaluation.
 - For ACASS module:
 - If amended is required, complete another final evaluation.

G. Records Retention for Contractor Performance Evaluations

Contractor performance evaluations prepared in CPARS should be maintained in electronic form. In CPARS, the evaluation reports are retained for a period of one year after the FINAL CPAR evaluation is completed. For Architect-Engineer and Construction evaluations, these reports are retained for six years. The reports are then placed in an archive table where they can be retrieved if necessary. In PPIRS, CPAR evaluations reports are retained for three years after the contract completion date. Architect-Engineer and Construction evaluations reports are retained for six years. The CPAR report can be not uploaded into the Strategic Integrated Procurement Enterprise System (STRIPES).

H. Narrative Guidelines for Evaluation Report

The quality of the narrative component supporting the past performance information evaluation is critical. The narrative is necessary to establish that the ratings are credible and justifiable. These narratives need not be lengthy, but need to be as clear, comprehensive and concise as possible. A description of the problems or successes experienced and how well the contractor worked with the Government to resolve the problems shall be addressed. This description shall include but is not limited to issues with subcontractors or “partners” in joint venture or teaming arrangements, delivery milestones, etc. The narrative is also useful for future acquisitions; it helps Assessing Officials to establish the relevancy of the work covered to the current requirement. In advance of finalizing a significant negative past performance rating or where the Government may have contributed to, or reflected on the performance outcome, the contracting officer should consult with local counsel as appropriate. For examples of narratives, see CPARS Quality Checklist at CPARS website.

- **Narrative descriptions shall include, as applicable:**
 - Detail of scope.
 - Complexity of contract.
 - Key technologies.
 - Quality of product or service.
 - Schedule.
 - Business relations (e.g. how well the contractor communicates and works the Government and others to perform the contract work).
 - Subcontracting effort.
 - Small business utilization.
 - Management of key personnel (e.g. how the key personnel are managing the contract work).
 - Definitions of acronyms and technical terms.
 - Cost control.
 - Summary of award fee determination, if applicable.
 - Other areas necessary to support contractor performance.

- **The narrative should:**
 - An appropriate level of documentation that provides evidence and establishes a basis for the rating assigned.
 - Address recent and relevant contractor performance.
 - Collect input from entire program/project team.
 - Provide reader a complete understanding of the contractor’s performance.
 - Have a narrative for each rated element.
 - Address:
 - Any explicit details that are unique to the circumstances of the contract;
 - Rating changes from prior reports; and
 - Benefit and/or impact to the Government.
 - Recognize risk inherent in the effort.
 - Recognize the Government’s role, if any, in contractor’s inability to meet requirements.
 - Where the Government’s role may have negatively contributed to, or reflected on the contractor’s performance, the contracting officer should consult with local counsel as appropriate prior to submitting an evaluation report.
 - Indicate major and minor strengths and weaknesses.
 - Be consistent with:
 - Program metrics;
 - Ratings (For CPARS evaluation ratings definitions, see Attachment A of this chapter.); and
 - Contract objectives.
 - Document an explanation of how problems were resolved and the extent to which solutions were effective.
 - Contain objective and subjective statements along with examples of the contractor’s impact on improving or hindering government performance.
- **Reporting award fee determination**
 - After the Fee Determination Officer makes a final determination and provides the written award fee determination to the contracting officer and the contractor, the AOR or the AO, whoever is preparing the evaluation, shall include a summary of the award fee determination in the evaluation for that reporting period, or subsequent period, in the applicable CPARS module.
 - The summary for CPARS should:
 - Be entered in the narrative section of the module. For CPARS, it is Block 18 under the most relevant area, e.g. if the award was based on cost, then enter under the “Cost Control”; if the award was based in more than one area, then enter the summary under “Other Areas.” If there is an award

fee for an A&E or construction contract, then enter the summary in the ACASS or CCASS narrative section for that module.

- Specify whether or not the contractor earned the award fee.
- State the award-fee adjectival rating (See FAR 16.401, Table 16-1 for the rating.)
- Describe the basis for the determination (See FAR 16.401, Table 16-1 for descriptions. Tailor descriptions as appropriate.)

○ **Statements to avoid in a narrative are as follows:** (*CPARS Guide - Attachment 1 provides more information.*)

- Outside contract scope
- In our opinion
- It appeared
- We believe
- We hope
- We were not happy
- We did not like
- We think

I. CPAR quality checklist

This checklist will guide an evaluator in creating a quality CPAR (report) which allows a reader, with no personal knowledge of the procurement, to gain a complete understanding of the Contractor's performance. If the evaluator takes the time to prepare an accurate and complete report, the evaluator helps ensure better quality in the products and services DOE buys now and those DOE plans to buy in the future. The CPAR quality checklist is available at <http://www.cpars.gov/cparsfiles/cpars/qual62701.htm>.

J. System reminder emails

To facilitate the reporting process, CPARS provides a variety of system reminder e-mail for the Government and the contractor. Refer to the applicable DOD CPARS/ACASS/CCASS user manual for a complete list of e-mail notifications available. Some system reminders are listed below:

➤ System Reminders

- Evaluation due (AOR, AO, Focal Point)
 - 30 calendar days before the evaluation is due.
 - Helps to ensure that reports are completed in timely manner.
- Evaluation overdue (Assessing Official, Focal Point)
- Contractor comments due (Assessing Official, Contractor)
- Contractor comments overdue/review period expired (Assessing Official)

- Evaluation complete (Contractor/Vendor)
- Access assignment (All Roles)

K. CPARS Training, Continuous Learning Points, and User Manuals

➤ CPARS Training

The AO (contract specialist or contracting officer) is responsible for ensuring that the contracting officer's representative (COR or as the AOR) and the contractor are knowledgeable about the CPARS and the on-line training that is available to them. Training for both the Government and contractors is offered monthly via webcast and the calendar can be found on the CPARS web site. See the table on the next page for additional training information.

The following classes are highly recommended to all DOE employees who are responsible at any stage of past performance evaluations:

- CPARS Overview
- ACASS/CCASS Overview
- Quality and Narrative Writing
- Focal Point Functions

For contractors to become familiar with CPARS, the following class is highly recommended:

- Contractor Overview

The DOE Acquisition Career Manager (ACM) has approved Continuous Learning Points (CLPs) for CPARS web based training classes. See the following table for list of all available past performance and FAPIIS training opportunities. The table is an excerpt from the OFFP’s March 6, 2013 memorandum *Improving the Collection and Use of Information about Contractor Performance and Integrity*.

Past Performance and FAPIIS Training Opportunities		
Course	Description	Course Information
DOD CPARS and FAPIIS Training.	Provides information on how to use CPARS and FAPIIS. Upon completion, students receive a Certificate of Completion and continuous learning points (CLP).	Seminar, Online Training, and training material available at http://www.cpars.gov/allapps/cpcbt/df.htm .
DOD PPIRS Training	Provides information about PPIRS and the valuable source selection sensitive information shared across federal government agencies and its use in source selection and contract award decisions.	Schedule of PPIRS classes is available at https://www.ppirs.gov/webtrain/webtrain.htm .
DOD <i>Past Performance Information Course – CLC 028</i> .	Provides relevant information to all acquisition personnel required to participate in this contract administration function. Upon completion, students receive 3 CLPs.	The course schedule is available at www.dau.mil .
FAI – 4 minute multi-media FAPIIS overview.	Explains what the FAPIIS module why it is important, how it impacts the acquisition and grants communities, as well as how the system interrelates with other systems containing similar Information.	FAI website available at http://www.fai.gov/FAPIIS/trailer/module.htm .
FAI <i>Federal Awardee Performance and Integrity and Information System (FAPIIS) - FAC 019</i> .	Provides guidance on how to consider the FAPIIS information. Upon completion, students will receive 1 CLP.	This course is available on the Defense Acquisition University (DAU) website at www.dau.mil . Note: FAPIIS courseware was developed by FAI and tested and hosted on the DAU website.
Note: It is highly recommended that these courses be made available to all agency acquisition personnel responsible for reporting and using performance and integrity information. Questions about the training should be directed to DOD, DAU, or FAI points of contact listed on their respective websites, or you may seek information from your agency Acquisition Career Manager.		

➤ **User Manuals**

In addition to the training mentioned above, the CPARS website provides access to the current applicable user manual for each module. In the event, there is an inconsistency between this Acquisition Guide Chapter and any of the DOD's user manuals, the Acquisition Guide Chapter applies. If you need help, contact the appropriate point of contact in Section V.

Section III. Internal Management Controls -- Compliance Assessments of Contractor Performance Information

Each contracting activity shall establish a process for conducting regular compliance assessments to include assigning a primary point of contact responsible for the compliance assessments. Part of the compliance assessment shall be to review the process and review the performance metrics used to measure compliance and quality on a regular basis. The objective is to achieve 100% quality CPARS submission and completion of all applicable contract/orders of contractor performance information. The regular compliance assessments of contractor performance information are comprised of quarterly CPARS data quality reviews and Procurement Management Reviews.

➤ **CPARS Data Quality Reviews**

The CPARS data quality reviews shall be performed and submitted on a quarterly basis. The CPARS data quality reviews are part of the DOE Data Quality Reviews. The CPARS data quality reviews shall regularly measure the contractor performance information for compliance and quality. Each contracting activity shall review the activity's performance metrics to evaluate and validate the quality and timeliness of contractor performance evaluations. This review shall include the contracting activity's corrective action plan to address any unregistered contracts/orders/agreements, overdue evaluations and incomplete evaluations. The Office of Contract Management, Field Assistance and Oversight Division (MA-621) site assigned procurement analysts will provide oversight to ensure compliance with CPARS reporting requirements.

➤ **Procurement Management Reviews**

The DOE Procurement Management Reviews (PMRs) are a peer review process. The lines of inquiry are established in coordination with the Head of the Contracting Activity. The PMR may validate site compliance with the requirement for submitting past performance data into CPARS. Prior to performing a site PMR which includes a past performance review, the PMR team will examine the CPARS database. If CPARS reports were required but not performed, the PMR team will identify those contract actions to the site being reviewed to determine why the reports were not completed. The field sites will be required to perform corrective action to comply with CPARS reporting requirements. Additionally, the PMR team will examine the timeliness, accuracy, and quality of the CPARS submittals.

➤ **MAX Site Reporting**

The March 6, 2013 OFPP memorandum on *Improving the Collection and Use of Information about Contractor Performance and Integrity* implemented quarterly reporting to monitor Agency Annual Reporting Performance Target. The DOE Agency Coordinator is responsible to review and enter data, as required, at the MAX site for the following reports: CPARS monthly metric report, PPIRS-RS statistics report, PPIRS compliance metric report, and any other OFPP required reporting.

IV. Best Practices

A. General

- Past performance information is “For Official Use Only” and “Source Selection Information” and should be so marked.
- The narrative is the most critical aspect of past performance information evaluations.

B. Solicitation and source selection

- See the Acquisition Guide Chapter 15.1, Source Selection Guide, for its discussion and guidance on source selection.
- See the Acquisition Guide Chapter 15.3, Establishing Evaluation Criteria, for its discussion and guidance in the development of evaluation criteria for source selection.

C. Contract performance

- If the AOR communicates with the contractor throughout the performance period, the evaluation should be easier to write. Then, the AOR can create a working evaluation draft off-line by documenting the important significant metrics and/or events and cut and paste this documentation into CPARS for the evaluation period.
- Include performance expectations in the Government’s and contractor’s initial post award meeting.
- Performance evaluations are the responsibility of the program/project/contracting team, considering the customer’s input. Feedback to contractors regarding ongoing performance issues should be developed through discussions with reviews occurring on a regular basis and transmitted through CPARS. The Reviewing Official resolves disagreements in the evaluation report between the contractor and the Government. The Assessing Official (contracting officer or contract specialist) finalizes the evaluation.

- See Acquisition Guide Chapter 70.9, Contract Options: Evaluating Contractor Past Performance, for model guidelines to use in assessing a contractor’s past performance for the purpose of making decisions regarding the exercising of contract options.
- Contracting activities should not downgrade a contractor for filing protests or claims or not agreeing to use alternative dispute resolution (ADR) techniques. Conversely, contracting activities should not rate a contractor positively for not having filed protests or not having made claims or agreeing to use ADR techniques. However, the quality of a contractor's performance that gave rise to the protest or claim may be considered. In other words, while performance must be considered, a contractor exercising its rights may not.

D. Advise the contractor:

- To take the CPARS Contractor Overview training
- That past performance information is handled with the same procedures as if it were “source selection information” in PPIRS.
- To acknowledge receipt of the Government’s request to the contractor to provide comments on an evaluation and to respond to this request within 30 calendar days

V. References

Federal Acquisition Regulation (FAR) Subparts

- 8.4 Federal Supply Schedules – 8.406-7 Contractor performance evaluation and 8.406-8 Reporting
- 9.1 Responsible Prospective Contractors – 9.104 Standards and 9.105 Procedures
- 9.4 Debarment, Suspension and Ineligibility – 9.406 Debarment and 9.407 Suspension
- 12.2 Special Requirements for the Acquisition of Commercial Items - 12.206 Use of past performance
- 12.4 Unique Requirements Regarding Terms and Conditions for Commercial Items – 12.403 Termination
- 13.1 Procedures – 13.106-2 Evaluation of quotations or offers
- 15.3 Source Selection - 15.305 Proposal evaluation
- 15.4 Contract Pricing – 15.407-1 Defective cost or pricing data
- 36.2 Special Aspects of Contracting for Construction - 36.201 Evaluation of contractor performance
- 36.6 Architect-Engineer Services - 36.603 Collecting data and appraising firms qualifications and 36.604 Performance evaluation
- 42.15 Contractor Performance Information
- 49.4 Termination for Default – 49.401-8 Reporting information

DEAR and Acquisition Guide

- 936.602-70 DOE selection criteria
- 970.1706-1 Award, renewal and extension
- 970.4402-2 General requirements
- Chapter 15.1 Source Selection Guide
- Chapter 15.3 Establishing Evaluation Criteria
- Chapter 42.16 Reporting Other Contractor Information into Federal Awardee Performance and Integrity Information System
- Chapter 70.9 Contract Options: Evaluating Contractor Past Performance

DOE Order and Manual

- DOE O 471.3, Identifying and Protecting Official Use Only Information, dated 1/13/11, or current version
- DOE M 471.3, Manual for Identifying and Protecting Official Use Only Information, dated 1/13/11, or current version

VI. Points of Contact

- Questions regarding past performance policy issues may be directed to the Office of Policy, Contract and Financial Assistance Division MA-611, at (202) 287-1330.
- Questions on how to use the CPARS system and the CPARS Data Quality Review may be directed to the DOE Agency Coordinator, Office of Systems and Professional Development, Systems Division MA-662, by e-mail to HQProcurementSystems@hq.doe.gov.
- Questions on internal management controls and compliance assessments may be directed to Office of Contract Management, Field Assistance and Oversight Division MA-621, site assigned procurement analyst at (202)287-1365.
- Questions regarding the use of past performance information for source selection may be directed to the Office of Contract Management, Field Assistance and Oversight Division MA-621, at 202-287-1365.