

BOP Community Corrections Contract Administration

Post-Award Contract Management

Once a contract has been awarded, the contract administration phase begins. Contract administration is any administrative activity undertaken by either the government or the contractor from the time of the contract award to contract close-out. Specifically, the term refers to steps taken by the government representative(s) responsible for ensuring government and contractor compliance with the terms and conditions of the contract. Steps include:

- all performance (inspection) monitoring activities
- modifications
- actions related to disputes
- unsatisfactory contractor performance
- price redetermination

Contract administration also includes problem-solving activities necessitated by unforeseeable circumstances, changes, problems, and disagreements that may arise following contract award.

Contract Monitoring

Ordinarily, a staff member in the community corrections office overseeing the contract, is appointed the contracting officer's technical representative (COTR). The COTR is responsible for monitoring contractor compliance with the requirements contained in the Statement of Work (SOW). A written report is completed and provided to the contractor for response, which is ordinarily due back to the Bureau within 30 days and should outline corrective action taken by the contractor to remediate deficiencies and prevent them from recurring. Once a satisfactory response is received, the Bureau formally closes the monitoring via written correspondence.

Option Year Contracts

Ordinarily, contracts are awarded for a base period of two years with three, one-year option periods. Approximately four months prior to the start of an option period, community corrections field staff determine if there is a need to continue contract services. If services are to continue, field staff send a request to the contracting officer to exercise the option year. It is the government's unilateral right to decide whether to exercise an option year.

Performance Issues

While informal resolution is always preferred, failure to meet contract requirements requires immediate attention and may, if not corrected, necessitate an adverse action notice from the contracting officer or community corrections field staff. Monitoring reports document areas where the contractor is not in compliance with SOW requirements. It is the contractor's responsibility to correct deficiencies and outline their corrective actions in response to the monitoring reports. In an effort to help improve contractor performance, Bureau staff may provide additional training, recommendations, and guidance. If these efforts fail, the Bureau may withhold funds from the next billing under the authority of the Inspection of

Service Clause, FAR 52.246-4. A withholding of funds is not a punitive sanction, but is a reduction of monies for services not performed that can no longer be performed. Continued performance issues may result in the contracting officer issuing a Cure Notice, which specifies the area of contract non-compliance and asks the contractor how they will “cure” or correct the deficiency. A satisfactory response will permit the contract to continue. An unsatisfactory response may result in the government terminating the contract. A termination should occur only after all other efforts have failed.

Contractor Integrity

The Bureau is committed to conduct that promotes public trust and confidence. Therefore, emphasis is placed on contract staff integrity and ensuring all contract employees are screened to determine if they are appropriate to work with Federal inmates.

Pre-Performance Background Checks

Prior to contract award, Central Office will complete NCIC/NLETS checks for the successful bidder's executive staff. Community corrections office staff will conduct these checks on all other contract employees and volunteers who will have contact with Federal inmates. In addition to the NCIC/NLETS criminal history checks, community corrections field staff will fingerprint all contract employees and volunteers, and submit these to the FBI for processing. If the fingerprint check reveals a contract employee has a criminal history that does not meet acceptability criteria, the community corrections manager (CCM) must prohibit the contract employee from working with Federal inmates. Administrative steps may be taken to appeal this decision.

Allegations of Contract Staff Misconduct

Any allegation of contract staff misconduct is reported by community corrections field staff to the Bureau's Office of Internal Affairs (OIA), which in turn reports the allegations to the Department of Justice's Office of the Inspector General (OIG). The seriousness of the allegation determines if OIG retains the case or returns it for investigation by OIA. A sustained allegation may result in the contract employee being prohibited from working with Federal offenders. If the allegation is criminal in nature, the appropriate law enforcement authority will be notified.

Contractor Training

One of the Bureau's goals is to ensure that quality contract services are provided to Federal inmates. CCM office staff are responsible for providing on-going assistance and training of contractor staff. On-site training is provided annually and includes such topics as discipline, integrity, accountability, and life/safety issues. Approximately every two years, region-wide contractor training is held focusing on regional and national community corrections issues. These training programs help contract staff better understand the Bureau's requirements and operations. Newly-hired key personnel must receive training within 90 days.

Contract Evaluation Forms (CEF)

The CEF is completed annually by the COTR. It covers a rating period of 12 months of contract performance and is ordinarily conducted at the end of each performance period as identified on the contract award document. Upon review and approval by the Regional Management Team and within 30 days after the end of the rating period, the COTR sends the CEF to the contracting officer, who forwards it to the contractor for review and comments. The contractor has 15 days to respond. The CEF process is the basis for scoring past performance during proposal evaluations.

Related Policy

[Community Corrections Manual](#)

[Contract Staff Integrity](#) for Privately Operated Community Corrections Residential Facilities

[Standards of Employee Conduct](#)

[Office of Internal Affairs](#)

rev. 08/18/05