

UNIT 58: DOCUMENTING PAST PERFORMANCE

October 2003

Duty	Document past performance information.
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Conditions	Given a contract, contract administration plan, and contracting officer representatives or technical representatives.
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Overall Standard(s)	Comply with FAR and agency policies. Document past performance information in a manner that fairly and validly characterizes the contractor's actual performance. Past performance information is complete and sufficient for application in pre-award source selection evaluations.
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Policies

<i>FAR</i>	<i>Agency Suppl.</i>	Subject
9.403		Definitions, including “unfair trade practices”.
9.406-2(b)		Causes for debarment by a debarring official, such as willful failure to perform a contract or a history of unsatisfactory performance.
42.15		Contractor performance information.
52.223-6		Drug-Free Workplace.

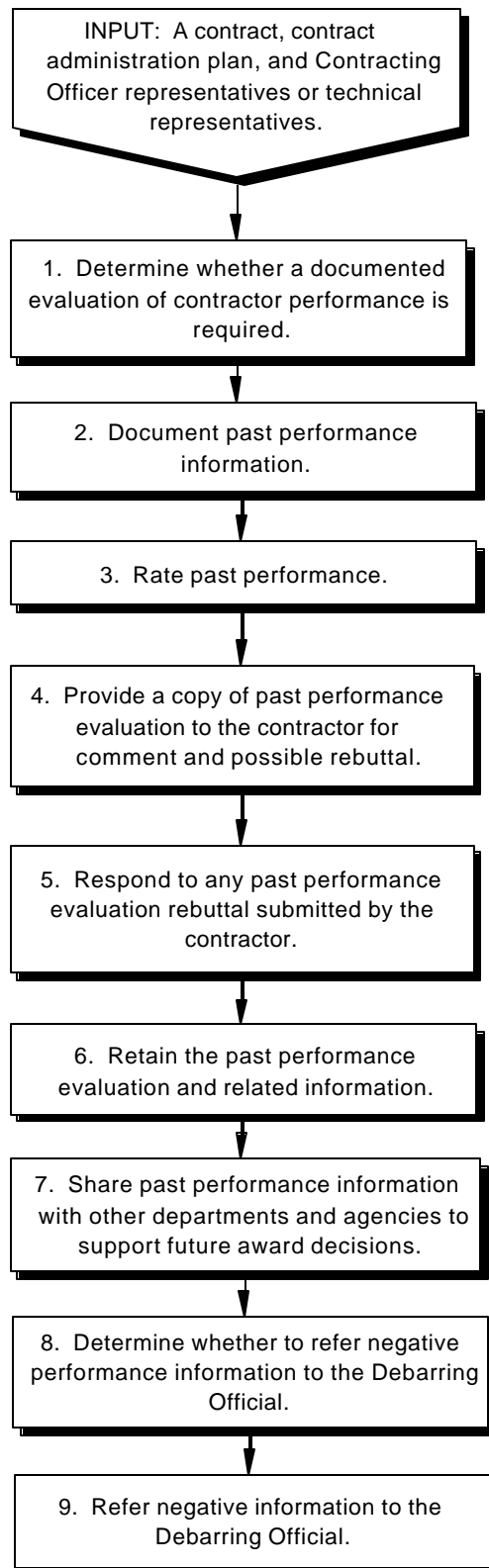
Other KSAs

1. Knowledge of performance reporting channels and responsible officials.
2. Knowledge of past performance information and its uses.
3. Ability to thoroughly and accurately document contractor performance information.
4. Ability to identify the need for and gather relevant information about contractor performance.
5. Ability to communicate orally and in writing about contractor performance.
6. Ability to maintain the honesty and integrity of the acquisition process.

Other Policies and References (Annotate As Necessary):

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Tasks	Related Standards
1. Determine whether a documented evaluation of contractor performance is required.	<p>Except for construction contracts, contracts with Federal Prison Industries, Inc., and contracts with a Javits-Wagner-O'Day (JWOD) agency:</p> <ul style="list-style-type: none"> • A documented evaluation of contractor performance is required for each contract in excess of \$100,000 at the time the work under the contract is completed. • Interim evaluations of contractor performance should be prepared as specified by the agency for contracts with a period of performance, including options, exceeding one year.
2. Document past performance information.	<p>Follow agency procedures for collecting and recording past performance information. Generally, those procedures require the evaluator to:</p> <ul style="list-style-type: none"> • Obtain information from the technical office, contracting office, and, where appropriate, end users of the supply or service; • Classify and record the information; and • Evaluate the information, considering: <ul style="list-style-type: none"> – What the contract required and how well the contractor met those requirements; and – The extent to which the contractor should be excused from responsibility for any identified performance problems.
3. Rate past performance.	<p>Evaluate the documented past performance information using the agency-prescribed past performance rating system. Assure that the assigned rating is supported by information recorded in the contract file and is not biased, arbitrary, or capricious.</p>

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<p>4. Provide a copy of past performance evaluation to the contractor for comment and possible rebuttal.</p>	<p>Provide a copy of the evaluation to the contractor as soon as practicable after completion.</p> <p>Allow the contractor a minimum of 30 days to submit:</p> <ul style="list-style-type: none">• Comments;• Rebutting statements; or• Additional information. <p>Answer any contractor questions about appeal rights.</p>
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Related Standards

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<p>5. Respond to any past performance evaluation rebuttal submitted by the contractor.</p>	<p>Each agency must provide for review at a level above the Contracting Officer to consider any contractor disagreement with the Government's evaluation of its performance. The ultimate conclusion on the evaluation is a decision of the contracting agency.</p> <p>Respond to the contractor with the results of the agency review.</p>
<p>6. Retain the past performance evaluation and related information.</p>	<p>Follow FAR and agency requirements for retaining past performance evaluations and related information. As a minimum, documentation must include:</p> <ul style="list-style-type: none"> • The past performance evaluation; • Any contractor response; and • Comments from Government review of any evaluation rebuttal submitted by the contractor. <p>Evaluations may be used to support future award decisions, and should therefore be marked "Source Selection Information".</p>

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<p>7. Share past performance information with other departments and agencies to support future award decisions.</p>	<p>The information may be provided by:</p> <ul style="list-style-type: none">• Databases, such as the:<ul style="list-style-type: none">– National Institutes of Health Contractor Performance System (CPS);– Navy Contractor Performance Assessment Reporting System (CPARS); or– Joint Electronic Commerce Program Office Past Performance Automated Information System (PPAIS);• Interview with the requesting source selection official; or• Sending the evaluation, contractor comments or rebuttal, and the results of any agency review to the requesting source selection official. <p>A completed evaluation must not be released to other than Government personnel and the contractor whose performance is being evaluated. Disclosure of such information could:</p> <ul style="list-style-type: none">• Cause harm both to the:<ul style="list-style-type: none">– Commercial interest of the Government; and– Competitive position of the contractor being evaluated; and• Impede the efficiency of Government operations.
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<p>8. Determine whether to refer negative performance information to the Debarring Official.</p>	<p>Follow agency procedures for the prompt reporting, investigation, and referral to the Debarring Official of matters appropriate for consideration. Those matters include:</p> <ul style="list-style-type: none"> • Violation of the terms of a Government contract or subcontract so serious as to justify debarment, such as: <ul style="list-style-type: none"> – Willful failure to perform in accordance with the terms of one or more contracts; or – A history of failure to perform, or of unsatisfactory performance of, one or more contracts; • Violations of the Drug-Free Workplace Act of 1988, as indicated by: <ul style="list-style-type: none"> – Failure to comply with the requirements of the Drug-Free Workplace clause (FAR 52.223-6); or – Such a number of contractor employees convicted of violations of criminal drug statutes occurring in the workplace as to indicate that the contractor has failed to make a good faith effort to provide a drug-free workplace; • Intentionally affixing a label bearing a "Made in America" inscription (or any inscription having the same meaning) to a product sold in or shipped to the United States, when the product was not made in the United States; • Commission of an unfair trade practice as defined in FAR 9.403; and • Any other cause of so serious or compelling a nature that it affects the present responsibility of a Government contractor or subcontractor.
<p>9. Refer negative information to the Debarring Official.</p>	<p>Follow agency procedures.</p>