

AGAR ADVISORY

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT
AGAR ADVISORY NUMBER (NO.) 96

CONTRACTOR PERFORMANCE INFORMATION and CONTRACTOR PERFORMANCE ASSESSMENT REPORTING SYSTEM (CPARS) EVALUATIONS

1. **PURPOSE:** This Agriculture Acquisition Regulation (AGAR) Advisory provides guidance concerning the use of the Contractor Performance Assessment Reporting System (CPARS). This Advisory supersedes AGAR Advisory No. 88c.
2. **AUTHORITY:** Federal Acquisition Regulation (FAR) at 48 CFR 42.1502 (Policy) and 42.1503 (Procedures), and Agriculture Acquisition Regulation (AGAR) 48 CFR 442.1502.
3. **SUMMARY:** Beginning October 1, 2010 CPARS will be the single USDA-wide system used to collect, maintain, and disseminate contractor performance evaluations to the Past Performance Information Retrieval System (PPIRS). USDA used the Contractor Performance System (CPS) provided by the National Institutes of Health (NIH) to evaluate contractor performance. Past performance reporting is required by FAR 42.1502 and 42.1503. USDA has signed a memorandum of understanding (MOU) with the Defense Procurement and Acquisition Policy Office (DPAP) to allow USDA access to CPARS. Use of the CPARS is mandatory for USDA. Records must be established for contract actions, including orders placed under indefinite delivery, indefinite quantity contracts (i.e. Federal Supply Schedule contracts, government-wide acquisition contracts or multi-agency contracts), single-agency task order and delivery order contracts, construction contracts, and architect and engineer services contracts. The Office of Federal Procurement Policy (OFPP) issued a memorandum, titled *Improving the Use of Contractor Performance Information*, dated July 29, 2009, that requires USDA and other agencies to submit their internal procedures for collecting and reporting past performance information.
4. **DEFINITION:**
 - “Day” means a calendar day.
 - “Assessing Official” means Contracting Officer or Contract Specialist
 - “Assessing Official Representative” means Contracting Officer’s Technical Representative or Contracting Officer Representative.
5. **PROCEDURES:** The following procedures shall be used when submitting contractor information into CPARS. These procedures go into effect at the date of issuance of this advisory. All applicable personnel shall establish an account in CPARS **within 30 days** following the issuance of this advisory. Individuals should complete the required training as soon as the next existing online class is available after establishing a CPARS account.
 - a) **FINAL EVALUATIONS:**
 - 1) **CPARS Senior Command Official/Head of Contracting Activity Designee Responsibilities**
 - i. Each Head of Contracting Activity Designee (HCAD) will designate an individual to

- ii. serve as the CPARS Focal Point for the contracting activity.
- ii. Once individuals receive access into the CPARS, the HCAD will notify John McCain by email at John.McCain@dm.usda.gov to update the CPARS Focal Point list on the USDA Procurement homepage at:
<http://www.dm.usda.gov/procurement/toolkit/purchasingtools.htm>.

2) Individual(s) who served as the Organizational Administrator (OA) for CPS will serve as the CPARS Focal Points for the contracting activity.

3) To create agency Focal Point accounts, please go to:

https://www.cpars.csd.disa.mil/accessforms/NSLCPTSMH_FPUAR.pdf

4) **CPARS Agency Contracting Activity Focal Point Responsibilities**

Overview: Registers Assessing Official and Assessing Official Representative users and adds Contract Offices for their Organization.

- i. Provides system access and addresses questions regarding CPARS.
- ii. Refer issues to the USDA System Administrator as necessary by emailing procurement.policy@dm.usda.gov .

5) **Assessing Official responsibilities:**

Overview: Responsible for evaluating contractor performance and for validating the proposed ratings and remarks entered by the Assessing Official Representative. Have “signature” authority and are allowed to forward assessments to the Contractor Representative for review and comment.

- i. Register contracts **within 30 days** after contract award.
- ii. Initiate the evaluation process **within 14 days** after completion of the contract, task order or delivery order expiration date.
- iii. Initiate the evaluation by entering contract information into the CPARS (e.g., contract number, contractor name and point of contact, period of performance, etc.).
- iv. Indicate the Assessing Official Representative, as assigned, in CPARS. (CPARS will notify the Assessing Official Representative via email).

6) **Primary Assessing Official Representative assigned to the acquisition responsibilities:**

Overview: Has the authority to initiate and update assessments, but **does not** have the authority to send the assessment to the Contractor Representative or to finalize an assessment.

- i. Complete the ratings and comment sections of the evaluation.
- ii. Submit ratings and comments into CPARS **within 14 days** from the date of the email message request generated by the CPARS.

7) **Ratings review process:**

- i. The Assessing Official shall review the Assessing Official Representative evaluation ratings and comments **within 14 days** after posting by the Assessing Official Representative.
- ii. The Assessing Official will discuss the ratings and comments with the Assessing Official Representative, if needed for clarification or in the event of discrepancies.
- iii. The system will notify the contractor via email to review the evaluation information. However, the Assessing Official shall follow up with an email message or phone call to confirm that the contractor received the evaluation information.

8) **Contractor's Review:**

i. **Concurrence:**

- A. The contractor has **30 days** to submit comments, rebutting statements, or additional information to the Assessing Official.
- B. Where a contractor gives no response, the evaluation will be automatically considered final by the system.

ii. **Comments or Rebutting Statements:**

- A. If the contractor provides a rebutting statement, the Assessing Official will discuss the contractor's comments with the Assessing Official Representative within **14 days** after receipt from the contractor.
- B. The Assessing Official shall notify the Assessing Official Representative of any changes made or information added to the evaluation.
- C. Disagreements in the evaluation between the parties shall be resolved at a level above the Assessing Official in accordance with FAR 42.1503(b).
- D. The Assessing Official shall submit the final evaluation into CPARS within **30 days** of receipt of the contractor's statements.

b) **INTERIM EVALUATIONS:**

If the performance period of the contract/order exceeds 18 months, then the Assessing Official shall conduct interim assessments at least **once every 12 months**. The same timeframes and procedure for final evaluations, above, shall be followed for interim evaluations.

c) **CONTRACT OPTIONS:**

The Assessing Official shall conduct an interim evaluation no later than **30 days** prior to the exercise of any contract or order option. The same timeframes and procedure for final evaluations, above, shall be followed for contract options.

d) **CONTRACT FILE:**

Copies of all evaluations (final, interim evaluations and evaluations for contract options) shall be maintained in the contract file.

e) **TRAINING:**

In order to maintain a high level of quality in contractor performance information and evaluations, CPARS personnel will provide live online training sessions. These sessions are on a first come first serve basis. Please visit the following website to view the schedule and register:

http://www.cpars.csd.disa.mil/allapps/cpartng/webtrain/webtrain_all.htm . Agencies shall identify and notify all personnel requiring training. Individuals shall complete the required training as soon as the next existing online class is available after establishing a CPARS account. Agencies shall maintain training certifications in an agency file.

f) **COMPLIANCE ASSESSMENT REVIEW:**

- 1) OPPM PPD will run an annual report in the Federal Procurement Data System (FPDS) of the list of applicable expiring contracts and orders for each contracting activity.
- 2) The lists will be sent to the respective contracting activity focal point for each contracting activity.
- 3) For expiring contracts, or for contracts exceeding 18 months, each activity will be responsible for confirming which contractor performance reviews have been, or are in the process of being, entered into CPARS. Each contracting activity shall report back to OPPM PPD **within 30 days** of receipt of the list. The Focal Point will follow-up with a status update when all contractor evaluations are completed for the year or within **6 months**, whichever is sooner.
- 4) **Corrective Action:** If there are applicable contracts or orders in the assessment list which have not been evaluated within the above timeframes, the contracting activity shall provide an explanation and an updated report on those items within **3 months**.
- 5) The Head of the Contracting Activity Designee (HCAD) will be responsible for approving and submitting assessment reports to the Chief of PPD for review by the Senior Procurement Executive.

7. **ADDITIONAL INFORMATION:**

a) **CPARS Website, Report and Guides:**

- i. CPARS Website: <http://www.cpars.csd.disa.mil/index.htm>
- ii. Access to the CPARS website is also available through the USDA Acquisition Toolkit: <http://www.usda.gov/procurement/toolkit>. (Under “Contracting and Purchasing E-Tools,” go to “Past Performance Systems” and select “DOD CPARS.”)
- iii. CPARS Manuals: http://www.cpars.csd.disa.mil/cparsfiles/pdfs/CPARS_User_Manual.pdf
- iv. CPARS Frequently Asked Questions (FAQs): <http://www.cpars.csd.disa.mil/cparsfiles/cpars/freqask.htm>
- v. Government Accountability Office (GAO) report, Federal Contractors: *Better Performance Information Needed to Support Agency Contract Award Decisions* (GAO-09-374), April 2009: <http://www.gao.gov/new.items/d09374.pdf>
- vi. Best Practices for Collecting and Using Current and Past Performance Information: http://www.whitehouse.gov/omb/procurement/contract_perf/best_practice_re_past_perf.html.

- b) **Non-Disclosure Agreements.** CPARS does not allow for third party contractor personnel to access the system.

ADVISORY issued: September 17, 2010

AGAR Advisories are posted on the USDA World Wide Web site at the following URL: <http://www.usda.gov/procurement/policy/advisories.html>. If you have questions or comments on this Advisory, please contact Dorothy Lay, Chief of Procurement Policy Division by telephone (202-690-2064) or email (Dorothy.Lay@dm.usda.gov) or contact procurement.policy@dm.usda.gov.

EXPIRATION DATE: This advisory will remain in effect until canceled.

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