

Subchapter 3042.15 Contractor Performance Information

3042.1502 Policy.

The HCA shall ensure that contractor performance evaluations are completed to meet the requirements of FAR Subpart 42.15 and reported into the Department of Defense Contractor Performance Assessment Reporting System (CPARS) or other system as designated by the DHS Chief Procurement Officer.

DHS FAR Class Deviation 11-03, applicable to instruments awarded after August 11, 2011, requires evaluations for all supply contracts and orders that exceed \$500,000, and for all service contracts and orders that exceed \$1,000,000, except as provided in (d) below. Evaluation thresholds for other types of contracts and orders established by FAR 42.15 paragraphs (e) and (f) remain unchanged. For instruments awarded prior to August 11, 2011, evaluations are required for all contracts, including task and delivery orders, which exceed the simplified acquisition threshold, or other thresholds established by FAR 42.15 except as provided in (d) below. Notwithstanding that, however, Components shall prioritize assessments of contracts and orders that: 1) use high-risk vehicles, such as cost-reimbursement, time-and-materials type, or award fee contracts, 2) are complex in nature, such as large construction, architect-engineer, research, software development and implementation contracts, or 3) involve high dollar values or major acquisitions, regardless of the contract type. Interim evaluations shall be performed on contracts and orders exceeding one year in duration (but see FAR 42.1502 (h)) to assist with improving the contractor's marginal performance and identifying any major deficiencies.

(d)(1) Task orders or delivery orders may be combined into one evaluation under certain circumstances. Combining orders is generally not feasible when the requiring activities differ, when contracts are used by multiple activities, or when individual orders could be significantly different. For task order or delivery order contracts and blanket purchase agreements awarded by DHS Offices or Components, contractor performance evaluations for multiple orders may be consolidated, at either the contract level or based on one of the orders, providing that all orders covered by a single evaluation were:

- (i) active during the period of evaluation;
- (ii) issued by the same office; and
- (iii) procuring substantially similar supplies or services.

(2) When a decision is made to consolidate orders, contracting offices shall input the relevant data into the Enterprise Reporting Application under the Contractor Performance tab and shall indicate in CPARS the order numbers covered by the assessment.

3042.1503 Procedures.

(a) Component procedures shall provide that:

- (1) Contracts and task/delivery orders that require past performance evaluations shall be registered in the CPARS within 30 days of award of the instrument.
- (2) Input for evaluations shall generally be obtained from the technical office, the contracting office, and where appropriate, the end users of the product or service.
- (3) Appropriate Government personnel will be identified as (i) "Assessing Official Representatives" (AORs) for the purpose of providing input into contractor performance evaluations, and (ii) "Assessing Officials" (AOs) for the purpose of reviewing, finalizing and signing the evaluations and forwarding them to the contractor for comment. A contract may have multiple AORs, always including the COR and possibly including the program manager and end users. CORs will not be designated as AOs. Evaluations prepared by the AOR(s) will be forwarded to the AO who will be the contracting officer or other official at a level above the COR.
- (4) Government personnel will be identified as CPARS "Focal Points" (FP), who will be responsible for CPARS access authorizations for Government and contractor personnel registering the contract, and the monitoring, distribution and control of evaluations. To ensure continuity of operations, it is recommended that each Component identify a Primary and Alternate FP for each of their contracting activities or sites. FPs can serve as Alternates for more than one contracting activity or site. The Component Focal Point will grant users access to input records via the FAPIIS input module of the Contractor Performance Assessment Reporting System. The FAPIIS input module is located at <https://www.cpars.gov>.
- (5) A CPARS "Senior Command Official" (SCO) will be identified. (SCO is a CPARS term, and is used here even though DHS is not organized by "Commands.") The SCO will be at a level higher than the CPARS FP. SCO functions include assisting the CPARS FP with training, monitoring and policy; evaluating quality and compliance metrics; providing metrics to management. SCOs may not also be FPs.

(b) Component procedures shall provide that disagreements between the contractor and the Assessing Official regarding the evaluations will be resolved by a Reviewing Official, who shall be at a level above the contracting officer.

(f) The contracting officer shall be the AO for evaluations prepared per FAR 42.1503(h) related to a defective cost or pricing data determination made in accordance with FAR 15.407. This responsibility is not delegable.

3042.1503-70 Contractor performance assessments.

Component procedures shall ensure that:

(a) Assessments clearly and completely describe the contractor's performance in the narrative statement, in sufficient detail to justify the rating;

- (b) In order to record critical details, performance issues are documented promptly during contract term, as opposed to waiting until the end of the performance period;
- (c) Award fee determinations, when required by the contract, are reflected in the contractor's performance assessment;
- (d) Narratives are supported by documentation sufficient to support the assigned rating, and should include:
 - (1) A level of detail and documentation that provides evidence and establishes a basis for the assigned rating;
 - (2) An explanation of how problems were resolved and the extent to which solutions were effective;
 - (3) Objective, fact based statements, and examples of the contractor's impact on improving or hindering Government performance;
 - (4) If a subcontracting plan is required, an assessment of the contractor's performance against, and efforts to achieve, the goals identified in the small business subcontracting plan.