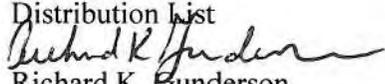


AUG 3 2009



Homeland
Security

MEMORANDUM FOR: Distribution List
FROM: 
Richard K. Gunderson
Acting Chief Procurement Officer
SUBJECT: Contractor Performance Assessment Reporting System - Homeland
Security Acquisition Regulation (HSAR), Class Deviation (Number 09-01
Amendment 01)

Department of Homeland Security (DHS) HSAR Class Deviation 09-01 introduced language to facilitate the transition from the National Institutes of Health Contractor Performance System (CPS) to the Department of Defense Contractor Performance Assessment Reporting System (CPARS), for the purpose of recording contractor performance information. Federal Acquisition Regulation (FAR) Case 2006-022, Contract Performance Information, published and effective on July 1, 2009, necessitated changes to this deviation. Accordingly, DHS is amending HSAR Class Deviation 09-01 to conform to changes made by FAR Case 2006-022.

FAR Case 2006-022 replaced language at FAR section 36.201, Evaluation of contractor performance, and FAR 36.604, Performance evaluation, with pointers to FAR 42.1502(e) and (f) respectively. Therefore, this deviation amendment (attached) does the following:

- (1) Replaces HSAR 3036.201 (DEVIATION) with a pointer to new HSAR paragraph 3042.1502(e);
- (2) Removes HSAR 3036.604 (DEVIATION), which had no underlying HSAR content;
- (3) Revises HSAR 3042.1502 (DEVIATION) to update paragraph 3042.1502(a) and establish new paragraphs (e) and (f).

The HSAM will also be revised in the near future to amend HSAM 3036.201 Evaluation of contractor performance, 3036.604 Performance evaluations, and 3042.1502 Policy, to align with this HSAR deviation and the FAR.

The transition from CPS to CPARS continues, and is not affected by this amendment. Heads of Contracting Activities are requested to ensure maximum attendance of contracting personnel and contracting officer technical representatives at CPARS training, and to ensure CPARS utilization.

Upon implementation, this HSAR deviation will remain in effect until cancelled or superseded by an amendment to the HSAR or to this deviation.

Questions regarding this class deviation should be directed to Timothy J. Frank, Tim.Frank@dhs.gov or 202-447-5252.

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**HOMELAND SECURITY ACQUISITION REGULATION CLASS DEVIATION 09-01
AMENDMENT 01**

PART 3036 CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Subpart 3036.2 Special Aspects of Contracting for Construction

3036.201 Evaluation of contractor performance. (DEVIATION)

See HSAR 3042.15 (DEVIATION)

Subpart 3036.6 Architect-Engineer Services

3036.604 Performance evaluation. (DEVIATION) (REMOVED)

PART 3042 CONTRACT ADMINISTRATION AND AUDIT SERVICES

Subpart 3042.15 Contractor Performance Information

3042.1502 Policy. (DEVIATION)

(a) Interim performance evaluations shall be prepared annually when the period of performance exceeds one year. Except as provided in paragraphs (e) and (f) of this section, Components shall use the Contractor Performance Assessment Reporting System (CPARS), or other system as designated by the DHS Chief Procurement Officer, for evaluating contractor performance in accordance with (FAR) 48 CFR Parts 42.1502 and 1503. Contracting offices that are using the National Institutes of Health (NIH) Contractor Performance System (CPS) and that do not have access to CPARS shall continue to use CPS until CPARS access is established.

(e) Performance evaluations for construction contracts shall be prepared and entered into the Construction Contractor Appraisal Support System (CCASS) module of CPARS, or other performance reporting system as designated by the DHS Chief Procurement Officer (CPO).

(f) Performance evaluations for Architect-Engineer services contracts shall be prepared and entered into the Architect-Engineer Contract Administration Support System (ACASS) module of CPARS, or other performance reporting system as designated by the DHS CPO.