

Use past performance report cards to improve contract administration. Gathering information for past performance in source selection is moving away from ad hoc questionnaires and toward report cards filled out during the contract period. This will reduce the burden of filling out many surveys on a single contract. And it will give agencies an opportunity, on an ongoing basis, to sit down with their vendors and go over in a structured way what's going right and what's going wrong with the contract.

Steven Kelman

PAST PERFORMANCE HANDBOOK

CONTRACTOR PERFORMANCE REPORT CARDS

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Copies of this publication can be obtained by e-mailing a request to:

past performance@op.spu@aidw

or downloaded from the Contract Administration Page at:

<http://www.usaid.gov/M/OP/CA>.

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CONTRACTOR PERFORMANCE REPORTS (AID Form 1420-66)

TASKS	Background information	Initial Assessment	Contractor Review	Final Rating
BLOCKS	1-6, 8	7, 9*	10, 11, 12	13, 14**
RESPONSIBILITY	Support Staff	CTO with CO	Contractor	CO*** with CTO
REFERENCES	Support Staff's Guide for Processing CPRs; Instructions for Using the Past Performance Diskette	Technical Officer's Guide for Evaluating Contractor's Performance	Rating Guide	Guidelines for Evaluating Contractor's Performance

* Block 9 is completed only on final evaluations.

** Differences with the contractor must be resolved at a level above the CO.

*** CO signs report in Block 15 indicating compliance with established policies and procedures.

PART 1.

Guidelines for Evaluating Contractor Past Performance

Section A. Procedures for Conducting Contractor Performance Evaluations

Section B. Filling in the Contractor Performance Report

Section C. Sample Documentation

Note:

These Guidelines assume that the entire process can be done using available computer technology. The reporting form (AID 1420-66) can be attached to an e-mail to facilitate communication between the CO and the technical office when preparing the assessment of contractor performance. To the extent practicable, the Internet should be used to communicate with the contractor. If a higher-level review is required, the contested issues and the contractor's rebuttal can be cut and pasted to an e-mail and sent to the reviewer.

Completed reports with attachments (contractor comments, higher-level review decision) are filed in the respective contract folder. The completed CPR is attached to an e-mailed and sent to the Past Performance Information Database at:

past performance@op.spu@aidw

Any of the evaluation documents not available in electronic format, e.g., the contractor's comments, should be mailed to the Agency's Past Performance Database Manager at:

M/OP/OD, RRB-Room 7.8, Washington DC 20523

**A. PROCEDURES FOR CONDUCTING:
CONTRACTOR PERFORMANCE EVALUATIONS**

1. Contracting officers (COs) are responsible for identifying the contracts and task orders that are due for either interim or final performance evaluations.¹
2. The responsible CO must ensure that all the identification information (blocks 1 through 5) is correct and the requirement (block 6) is described in measurable terms, before sending the Contractor Performance Report (CPR) to the cognizant technical officer (CTO).²
3. The CTO provides an initial assessment of performance from the requesting technical office's perspective by scoring and commenting on, as appropriate, the five assessment areas in blocks 7³ and returns the CPR to the CO.
4. The CO, before sending the CPR to the contractor for review, adds to the technical office's assessment, as appropriate, verifies the information on key personnel and subcontractors in block 8, and responds to the question in block 9.⁴
5. The CO notes, in block 10, the date on which the CPR has been sent to the contractor for review.⁵
6. If a response is not received after 30 days, the CO, after noting failure to respond in block 11, completes the evaluation by signing in block 15. The report is then filed in the respective contract's administration folder, and an electronic copy is e-mailed to past performance@op.spu@aidw for incorporation in the Past Performance Information Database.
7. If the contractor submits comments, rebutting statements or additional information, this is noted in block 11 and the name, phone number or Internet address of the person submitting the information for the contractor noted in block 12.
8. Final ratings are made only after the contractor has had an opportunity to respond.
9. If there is disagreement⁶ between the contractor and the CO regarding the evaluation, a review at a level above the CO is required.⁷ This is noted in block 13.
10. The decision at the higher level is to be made within 15 days of receipt of the contractor's response, must be in writing, and is final.
11. Based on this decision, the CO records the final ratings, attaches the agency decision, and signs the report in block 15.

12. A copy of the annual or final CPR shall be provided to the contractor as soon as it is finalized.

13. The signed original CPR with attachments (contractor's comments/rebuttal, higher-level review decision) is then filed in the respective contract's administrative folder.

14. A copy of the completed CPR is e-mailed to the past performance e-mail box for entry into the Past Performance Information Database. Documents not available in electronic format, e.g., contractor's response to the initial evaluation, should be mailed to the Past Performance Database Manager, M/OP/OD, RRB-Room 7.8, Washington, DC, 20523.

End Notes:

- 1.. FAR 42.1502 requires annual and final evaluations of all institutional contracts in excess of \$100,000. Evaluations of architect-engineer and construction contracts, however, are conducted in accordance with FAR 36.201 and FAR 36.604 respectively.
- 2.. The standard procedure for assigning a file name to the CPR form is as follows: The file name will contain the three digit country code or AID/W branch symbol plus five digits. The five digits are: 0 plus the four digit sequential number from pre-NMS awards or 0 plus the second digit of the fiscal year and the last three digits of the sequence number for awards using the NMS numbering system. For interim and completion evaluations, the three digit file extension will use either an "i" for interim and "f" for final evaluations plus two digits for the current fiscal year. For task or delivery orders, instead of the fiscal year, the number of the task or delivery order will follow the "i" or "f."
- 3.. Instructions for filling out block 7 are available in the *Technical Officer's Guide for Evaluating Contractor's Performance*.
- 4.. The question in block 9 needs to be answered only on final evaluations.
- 5.. When sending the CPR to the contractor for review, the CO also attaches the Rating Guide which explains the evaluation procedures and basis on which the scoring is made.
- 6.. Disagreement between the contractor and the CO must be resolved at a level above the contracting officer. If there is total disagreement between the contractor and the CO, in the interest of time, the contractor's rebuttal and the CPR should be immediately forwarded to the Agency's Ombudsman for resolution.
- 7.. The higher-level reviewer can be the Strategic Objective team leader of the Operating Unit requesting the acquisition, the supervisor of the contracting officer, or the Procurement Ombudsman.

B. FILLING IN THE CONTRACTOR PERFORMANCE REPORT FORM

The design of the CPR form ensures that the members of the acquisition team participate in the evaluation. The CO is responsible for seeing that policies and procedures are followed. The evaluation of performance is a joint responsibility of the CO and the CTO. The contractor has 30 days to review the initial assessment of performance and submit comments, rebutting statements, or additional information. The final assessment of performance is done only after the contractor has had an opportunity to respond.

Each active contract should have a master CPR form on file which will serve for all evaluations. The master CPR form will have filled in blocks 1 through 5, the summary description of the requirement in block 6, information about key personnel¹ and subcontractors² in block 8, the name of the CTO, and the name of the CO. Procurement support staff should transfer this information from the contract at the time that the award is made.

Once the information is entered, the form is saved using the standard procedures for naming CPR files. The eight digit file name contains the branch symbols or country code plus the sequence number.³ The three digit extension, however, will be "wpd" until the form is ready to be used. At that time, the three digit extension will be changed to an "i" or an "f" depending on whether the evaluation is interim or a final evaluation plus two digits for the fiscal year or for the delivery/task order number.

Before requesting the technical office for input, the CO should verify that the description of requirement, block 6, provides sufficient information to assess contractor performance in block 7. The description should provide, at a minimum, answers to four questions: what, when, how well, and for whom. For supply contracts, the description should also include how many and where. To the extent practicable, measurable indicators should be used.

Performance is assessed in block 7 in relation to the terms and conditions of the contracts as summarized in block 6. Each assessment area looks at particular elements of the description of requirement. For example, quality (block 7A) is assessed in terms of how well the contractor has conformed to the what. Cost control (block 7B) assesses the cost-efficiency or cost-effectiveness in providing or performing the what. Timeliness (block 7C) assesses adherence to the when. Customer satisfaction looks at both USAID and the end-users as customers. Customer satisfaction - USAID (block 7D) assesses the professional and cooperative behavior of

¹ Identify up to three key personnel including the chief of party.

² Identify up to three subcontractors starting with the largest in terms of dollar value.

³ The fourth digit of the CPR file name is "0", to which is added the four digits of the pre-NMS sequence number or the second digit of the fiscal year and the last three digits of the NMS sequence number.

the contractor in its relationship with USAID staff in providing or performing the what. Customer satisfaction - end-users (block 7E) assesses the contractor's concern for the interests of those for whom the what was provided or performed.

Block 7 provides for scoring and commenting on contractor performance. Each of the five assessment areas is first scored and comments are made as appropriate.

Scoring-

The middle value on the five-point rating scale is equivalent to meeting the terms and conditions of the contract. Hence, a score of three is given when the contractor meets the standard for the assessment area. A score of four is given when the contractor exceeds the standard. A score of five would be given only when the contractor has demonstrated an exceptional performance level which clearly exceeds the performance level of four. Minor deficiencies that are repeated after being brought to the attention of the contractor would rate a two. Major deficiencies for which insufficient corrective action is taken would rate a one.

Comments⁴ -

If a score of three is given, comments are optional. Comments are only required to support a score above a three or to explain a score below a three.⁵ Comments on a score of three, however, are appropriate to motivate a contractor to optimal performance, e.g., indicate what must be done to rate a higher score.

The assessment of performance requires input from the CTO regarding quality (block 7A), cost control (block 7B) and timeliness of the delivered product or service (block 7C). The assessment of customer satisfaction-USAID (block 7D) regarding the professional and cooperative behavior of the contractor should include both the CO's (business) and CTO's (technical) perspective. The CTO is the primary source of information regarding customer satisfaction - end-users but the CTO or the CO may need to survey end-users for additional information.

Having made the preliminary assessment of performance, the CTO should verify that the information in block 8 is current before returning the CPR to the CO. The CTO should also verify that his or her phone and fax numbers are correct in the space provided in block 10.

Before sending the CPR to the contractor for review, the CO completes the assessment of

⁴ Comments should be concise, be based on the documented record, and support the numerical score. If the comment exceeds the five-line limitation, simply cut and paste the comment on a continuation sheet. Otherwise, anything in excess of five lines will overlap when the form is printed.

⁵ A deficiency should not be brought to the attention of a contractor for the first time in an evaluation. Rather the comment should address the responsiveness of the contractor to correct deficiencies previously noted.

customer satisfaction (blocks 7D and 7E), as appropriate. The CO should also review and verify that the assessment of quality (block 7A), cost control (block 7B) and timeliness (block 7C) are consistent with the description of requirement (block 6). Block 9 needs to be filled out only for final evaluations. The CO dates and initials the CPR form in block 10 prior to sending it the contractor for comments.

If the contractor does not respond within 30 days of the date noted in block 10, the CO indicates "no response" by checking the space provided in block 11. The scores in block 7 are transferred to block 14.

If the contractor comments, rebuts or provides additional information, and the Agency agrees with the contractor, the CO notes this in block 11. The final ratings are then made in block 14. If there is disagreement with the contractor, the CO notes this in block 11 and indicates action taken in block 13 before making the final ratings in block 14. The name of the person responding for the contractor is noted in block 12. The CO also notes the date the response was received from the contractor and initials in the space provided.

A review at a level above the CO is required when the differences between the contractor and CO are substantial. If, for example, it is the opinion of the CO that the difference are inconsequential to the final ratings, a higher-level review is not necessary. Space is provided in block 13 to explain why a higher-level review was not conducted. If the review was conducted, the decision is attached to the report.

The CO's signature in block 15 indicates that the evaluation has been conducted in accordance with established policies and procedures.

C. SAMPLE DOCUMENTATION

Sample message requesting CTO to provide input to CPR form.

TO: Technical Officer@g.phn@aid.w
FROM: Contracting Officer@op.a.phn@aid.w
SUBJECT: Contract No. PHN-C-00-98-00015-00

The subject contract is due for a performance evaluation in compliance with FAR Subpart 42.1502. As the cognizant technical officer for the subject contract, you are the primary source of information regarding the contractor's performance. You are asked to rate your Strategic Objective (SO) Team's satisfaction with the contractor's performance at this point in time regarding the five assessment areas in block 7 of the attached CPR form.

Please note that the middle value of the five-point rating scale is equivalent to meeting the terms and conditions of the contract. Hence a score of three is given when the contractor meets the standard for the assessment area. A score of four is given when the contractor exceeds the standard. A score of five would be given only when the contractor has demonstrated an exceptional performance level which clearly exceeds the performance level of four. Repeated deficiencies would rate a two or even a one depending on the severity and/or frequency.

Since these evaluations are time sensitive, you should return the CPR to me within five days with whatever information you have available. If you feel that you do not have sufficient information to rate any of the assessment areas in block seven, and after reasonable diligence are unable to obtain that information, you may simply note that the information is not available.

Please return the CPR by attaching it to an e-mail using the same file name. As this is evaluative information of an activity related to a strategic objective (ADS Section 203.5.6b), a copy should be made for your SO Team leader.

For your information, the *Technical Officer's Guide for Evaluating Contractor's Performance* is attached.

Sample Message Forwarding CPR to Contractor

TO: Internet[foquinn@aol.com]
FROM: Contracting Officer@op.a.phn@aid.w
SUBJECT: Contract No. PHN-C-00-98-00015-00

The Agency has prepared an initial assessment of performance for the subject contract. Your comments, rebutting statements, or additional information will be considered before making the final assessment. Please review the attached Contractor Performance Report (AID Form 1420-66). If we do not hear from you in 30 days, the Agency's assessment will stand.

These evaluations may be used to support future award decisions. You will receive a copy of this report once it is finalized. The report will then be entered into the Agency's Past Performance Database and treated as "Source Selection Information."

For your information, also attached is the *Rating Guide* which explains the evaluation procedures and the basis on which the scoring is made.

Memorandum Requesting Final Decision at Next-higher Level (Used when the disagreement is specific to one or more assessment areas)

TO: Team Leader@g.phn@aid.w
FROM: Contracting Officer@op.a.phn@aid.w
SUBJECT: Contractor Performance Evaluation Review

This is a request for your review regarding disagreement on the Agency's evaluation of Contract No. PHN-C-00-98-00015-00. According to the FAR 42.1503(b), "Agencies shall provide for review at a level above the contracting officer to consider disagreements between the parties regarding the evaluation."

The evaluation stated that: **(Using cut and paste, transfer the contested issues from the CPR)**

(Example)

D. Customer Satisfaction - USAID - Comments: Response to technical direction has been unsatisfactory at times. There has been attempts, however, by the contractor to transfer experiences from other countries which do not apply to the current location. This has presented difficulties in their acceptance of technical direction. The contractor, for example, was reluctant to incrementally fund sub-grants to NGOs even when the COTR and four senior Directors at USAID informed them that the approach was in the best interest of achievement of the Mission's goals and project results.

The contractor responded: **(Using cut and paste, transfer the rebuttal from the contractor's e-mail.)**

(Example)

We challenge the comments which are given as the reason for a score of 2 for Category D -- Customer Satisfaction -- USAID. It is true we have used our corporate experience with NGO grants in six countries to inform and assist the project. Since this experience was highly successful and a part of our proposal, we believe it was our responsibility to share this information with USAID.

More particularly, we strongly believe that our inputs and efforts with USAID are a concrete demonstration of showing concern for the governments' "interest." We were pointing up to USAID the dangers in the present USAID funding environment of incrementally funding small NGO's, if there was any possibility funding would have to be halted or delayed. Not only would this embarrass USAID, in many cases it would harm the NGO's. We discussed this with the contracting officer who agreed that having full or nearly full grant funding available was preferable.

We believe that providing such input and dialogue is part of our contractual responsibility to USAID and the end users. Since, we moved quickly to implement the final USAID decision to incrementally fund the grants, we are taken aback by the assignment of a low score for doing our job. Was it appropriate of us or uncooperative or non-responsive to raise a potentially serious problem based upon extensive corporate experience? Are we being downgraded for not unthinkingly implementing a USAID technical direction?

It is our view that we were contracted for expertise which we are obliged to share with USAID. We further submit that because we "showed concern for the governments interest" including the provision of corporate time and expertise at no cost to the contract, that we fully meet the criteria for a score of 4 on this item.

Your resolution of our differences is requested so that the final ratings can be made. Please respond by replying to this e-mail at your earliest convenience.

PART 2

Instructions for Using the:

PAST PERFORMANCE DISKETTE

When Evaluating Contractor's Performance

Preface

The Past Performance Diskette takes advantage of available electronic technology to process interim and final past performance evaluations from initiation through entry of the completed Contractor Performance Report in the Agency's Past Performance Database.

List of Files

File Name	File Description
1. form66.198	The Contractor Performance Report (CPR) form (version 1-98).
2. guide4.co	The "Guidelines for Evaluating Contractor Past Performance."
3. guide4.cto	The "Technical Officer's Guide for Evaluating Contractor's Performance."
4. rating.wpd	The "Rating Guide."
5. messsge2.cto	A sample message for forwarding the CPR form to the CTO
5.1.mess2cto.asc	Same as #5 above but in ASCII text for inserting in e-mail.
6. message2.con	A sample message forwarding the CPR form to contractor.
6.1.mess2con.asc	Same as #6 above but in ASCII text for inserting in e-mail.

Twelve Steps in Processing Electronically Contractor Performance Reports

The instructions provided below distinguish between the essential elements or steps that need to be taken, written in bold, and supplementary guidance and information which is written in normal type. The diskette contains files that support the processing of the evaluations electronically. The diskette also serves to maintain files of the master performance reports and the reports during the time that the evaluations are being processed; e.g. , when the CTO is making his or her input or when the contractor is reviewing the initial assessment.

Step 1. The responsible contracting officer (CO) should have a master contractor performance report (CPR) form for all active contracts valued in excess of \$100,000.

A. The master CPR will have filled in the background data in blocks 1 through 5, the summary description of the requirement in block 6, information about key personnel and subcontractors in block 8, the name of the CTO, and the name of the CO.

B. Filling in these data may be done by procurement technicians or other personnel supervised by the responsible CO.

C. The master CPR form is saved to the past performance diskette using a file name containing the three digit country code or AID/W branch symbol plus "0" and either the four digit sequence number for pre-NMS awards or the second digit of the fiscal year and the last three digits of the sequence number on awards using the NMS numbering system. The three digit extension, however, will be "con" for contracts and, for delivery and tasks orders, "o" plus the number of the order until the form is used for a specific evaluation.

Step 2. When a contract has been identified as due for an interim or final evaluation, the responsible CO accesses the master CPR form and, after verifying that the information is current, requests input from the technical office that requested the acquisition.

A. All contracts are evaluated annually, covering performance up to but not more than the previous 12 months, and on completion of activities.

B. The CO should review the description of the requirement in block 6 to make sure that it provides, at a minimum, answers to four questions: what, when, how well, and for whom. For supply contracts, the description should also include how many and where. To the extent practicable, measurable indicators should be used.

C. The extension the file name of the master CPR is changed to reflect whether this is an interim or final evaluation or an evaluation of a task or delivery order. For interim and completion evaluations, the three digit file extension will use either an "i" for interim and "f" for final plus the fiscal year in which the evaluation began. For task or delivery orders, the extension will use a "t" to indicate a task order and a "d" for delivery order and the number of the order.

Examples of assigning the file names:

i) An interim evaluation of contract #608-0173-C-00-4002 (CIMS method) or #608-C-00-94-00002 (NMS method), initiated in January 1998 would have a file name of: 60804002.i98.

ii) An evaluation of a task order on Contract #CCP-1045-I-06-2013-00 (CIMS method) or #CCP-I-06-92-00013 (NMS method) would have a file name of: ccp02013.t06.

Step 3. File #5 contains a sample message requesting the CTO to provide information on contractor performance which can be inserted into the e-mail to the CTO.

A. FAR subsection 42.1503(a) requires input from the technical office and end-users as appropriate. The CTO is the primary source of that information who speaks for the office that requested the acquisition. COs may also request information of other individuals familiar with the contract such as end-users.

B. The request to the CTO should come from the responsible CO. The initial assessment of performance is a collaborative effort between the contracting office and the technical office that requested the acquisition. The CTO is the requesting office's most knowledgeable staff regarding contractor performance, particularly with respect to the quality, cost control, and timeliness. A copy of the e-mail forwarding the CPR to the CTO may be made to the CTO's supervisor. A sample message to the CTO is the following:

TO: Technical Officer@g.phn@aid.w
FROM: Contracting Officer@op.a.phn@aid.w
SUBJECT: Contract No. PHN-C-00-98-00015-00

The subject contract is due for a performance evaluation in compliance with FAR Subpart 42.1502. As the cognizant technical officer for the subject contract, you are the primary source of information regarding the contractor's performance. You are asked

to rate your Strategic Objective (SO) Team's satisfaction with the contractor's performance at this point in time regarding the five assessment areas in block 7 of the attached CPR form.

Please note that the middle value of the five-point rating scale is equivalent to meeting the terms and conditions of the contract. Hence a score of three is given when the contractor meets the standard for the assessment area. A score of four is given when the contractor exceeds the standard. A score of five would be given only when the contractor has demonstrated an exceptional performance level which clearly exceeds the performance level of four. Repeated deficiencies would rate a two or even a one depending on the severity and/or frequency.

Since these evaluations are time sensitive, you should return the CPR to me within five days with whatever information you have available. If you feel that you do not have sufficient information to rate any of the assessment areas in block seven, and after reasonable diligence are unable to obtain that information, you may simply note that the information is not available.

Please return the CPR by attaching it to an e-mail using the same file name. As this is evaluative information of an activity related to a strategic objective (ADS Section 203.5.6b), a copy should be made for your SO Team leader.

For your information, the *Technical Officer's Guide for Evaluating Contractor's Performance* is attached.

Note: When file #5 is inserted into the e-mail message forwarding the CPR form to the CTO, the ASCII version of file #5, "mess2cto.asc," must be used.

Step 4. Attach the Technical Officer's Guide (file #3) to the e-mail message to the CTO.

A. The Guide not only explains how to provide the information but also helps to standardize the process. CTO need to comment on the assessment areas only when the score exceeds the standard or requirement or is deficient. CTO should be advised that they may simply indicate "n/a" when the information is not readily available. (General Notice, June 26, 1997.)

B. It is recommend, after sending the e-mail to the CTO, that you save the message to your tickler file and have it sent to your in-box in five days as a reminder to check with the CTO if there has been no response. This tickler utility is available only in Beyond Mail.

Step 5. (Optional) If there is no response from the CTO in five days, forward the original request to the CTO's Strategic Objective Team Leader with the following

message.

TO: Strategic Objective Team Leader@g.phn@aid.w
FROM: Contracting Officer@op.a.phn@aid.w
SUBJECT: Contractor Performance Report

Unless we hear from you to the contrary, we will presume that your operating unit is satisfied with the contractor's performance. Accordingly, we will give the contractor a score of three for each of the five assessment areas without comment.

Step 6. After reviewing the CTO's initial assessment, the responsible contracting official sends the CPR form to the contractor for review.

A. Although the initial assessment of performance is a joint effort between the contracting officer and the CTO, the contracting officer is responsible for the accuracy and completeness of the information sent to the contractor. The contracting officer should make sure that the information is complete and accurate. Particular attention should be given to statements, positive or negative, that can not be supported by the record.

B. After reviewing and making appropriate changes, and before sending the report to the Contractor for review, the report should be saved by overwriting the version that was sent to and returned by the CTO.

Step 7. File # 6 is a suggested message to the contractor which may be inserted into an e-mail or pasted into letter to the contractor.

A. The Internet should be used when forwarding the CPR to the contractor for review. Encourage the contractor to respond electronically so that the comments or rebuttal can be attached to the CPR form prior to entry into the Past Performance Database.

B. When file #6 is inserted in the e-mail message, use the ASCII version which is "messcon.asc." The sample message found in file: message.con is as follows:

TO: Internet[foquinn@aol.com]
FROM: Contracting Officer@op.a.phn@aid.w
SUBJECT: Contract No. PHN-C-00-98-00015-00

The Agency has prepared an initial assessment of performance for the subject contract. Your comments, rebutting statements, or additional information will be considered before making the final assessment. Please review the attached Contractor

Performance Report (AID Form 1420-66). If we do not hear from you in 30 days, the Agency's assessment will stand.

These evaluations may be used to support future award decisions. You will receive a copy of this report once it is finalized. The report will then be entered into the Agency's Past Performance Database and treated as "Source Selection Information."

For your information, also attached is the *Rating Guide* which explains the evaluation procedures and the basis on which the scoring is made.

Step 8. The Rating Guide (file #4) should be attached to the e-mail so that the contractor will be aware of the criteria used for rating the various assessment areas.

Step 9. If the contractor does not respond in 30 days, note this in block 11, and sign/date the report in block 15.

Step 10. If the contractor responds and there are no difference between the contractor and the CO, fill in blocks 11 and 12, make the final assessment in 14, if changes needs to be made, and sign/date the report.

Step 11. If the contractor rebuts the assessment, and the CO disagrees, note this in block 13 and arrange for a higher level review.

A. If the differences between the contractor and the Agency are specific to one or more assessment areas, the CO should cut the disputed sections from the CPR and from the contractor's rebuttal and paste this information in an e-mail to either the CTO's Strategic Objective Team Leader or the CO's supervisor for review. An example of the e-mail message is as follows:

TO: Team Leader@g.phn@aid.w
FROM: Contracting Officer@op.a.phn@aid.w
SUBJECT: Contractor Performance Evaluation Review

This is a request for your review regarding disagreement on the Agency's evaluation of Contract No. PHN-C-00-98-00015-00. According to the FAR 42.1503(b), "Agencies shall provide for review at a level above the contracting officer to consider disagreements between the parties regarding the evaluation."

The evaluation stated that:

(Using cut and paste, transfer the contested issues from the CPR)

Copies of the files on the **Past Performance Diskette** are available by addressing an e-mail to:

past performance@op.spu@aidw

The
contractor

responded:

(Using cut and paste, transfer the rebuttal from the contractor's e-mail.)

Your resolution of our differences is requested so that the final ratings can be made. Please provide your decision by replying to this e-mail at your earliest convenience.

B. If there is total disagreement between the contractor and the Agency, it is recommended that the contractor's rebuttal and the CPR be sent immediately to the Ombudsman for resolution.

Step 12. Once signed, send an electronic copy to the Past Performance Database by attaching the file to an e-mail addressed to: past performance@op.spu@aidw.

A. A copy of the evaluation should be provided to the contractor as soon as it is finalized.

B. Indicate that the electronic copy has been signed by typing in the signature box "/s/."

PART 3. Procurement Support Staff's Guide **for Processing** **Contractor Performance Evaluations**

Every contract valued in excess of \$100,000 should have a Master Contract Performance Report (CPR) on file which can be used for all interim and the final evaluation of contractor performance. The Master CPR saves time in that the background data, summary description, information on key personnel and subcontractors, and the names of the cognizant technical officer (CTO) and the responsible contracting officer (CO) are entered once. When the Master CPR is used, only block 7, the assessment of performance, needs to be completed on interim evaluations and block 7 and block 9, the recommendation for future work for the contractor, need to be completed on final evaluations. Procurement support staff facilitate the processing of performance evaluations by preparing and maintaining the Master CPR for their procurement unit.

A. Accessing the CPR form (AID 1420-66, dated 1/98):

a) From your Past Performance Diskette.

b) From the Intranet at <http://www.usaid.gov/M/OP/CA>, scroll down to Links to on-line resources; click on USAID forms which will bring you to Common Forms for USAID Solicitations; click on Contractor Performance Report which brings you to another Contractor Performance Report; click again and a Save Menu appears; select the directory where you want to save the form which has the file name of 1420_66.w51; click OK.

c) From the Internet directly by typing in the Web site:
http://www.info.usaid.gov/procurement_bus_opp/procurement/forms/
which links you to Common Forms for USAID Solicitations and clicking on Contractor Performance Report; proceed as in b above.

d) From the Macro Director; draw down Macro menu, hit play, and play cpr.wcm; select an action from CPR Macro menu and then follow directions from prompter, lower left corner of screen.

B. Preparing the Master CPR form:

a) Blocks 1-5 provide background information on the contract, i.e., firm's name and address, number, value, begin and end dates, type of contract. These data are transferred from the list of active contracts over \$100,000.

b) Block 6 is a summary description of the requirement which answers, at a minimum, the questions what, when, how well, and for whom. For supply contracts, the description should also include how many and where. Sections B, C, E, and F of the contract provide the information to answer these questions.

c) Block 8 identifies key personnel and subcontractors. Key personnel are those holding positions identified as key personnel in the contract. If the name of the key personnel is not available, enter up to three position titles for the key personnel in the order listed in the contract. Always include the chief-of-party. The names and dates of employment can be added at the time that the evaluation takes place. No more than three subcontractors are listed with the value of the subcontract and the begin/end dates. Subcontractors doing less than 20 percent of the work need not be listed. Enter the name of the firm, the dollar value of the subcontract, and the begin/end dates, if available. Information not available, e.g., value of subcontract, can be entered when the evaluation takes place.

d) Enter the name of the CTO in block 10 and the name of the responsible CO in block 15.

C. Naming the Master CPR file:

a) The Master CPR form is saved to the past performance diskette with the same eight digit file name that will be used in conducting an evaluation but with a different three digit file extension. Until the Master CPR form is used for an actual evaluation, the three digit extension will be "con" for contracts and, for delivery/task orders, "o" plus the number of the order.

b) The standard procedure for assigning a file name to the CPR form is as follows: The file name will contain the three digit country code or AID/W branch symbol plus five digits. The five digits are: 0 plus the four digit sequential number from pre-NMS awards or 0 plus the second digit of the fiscal year and the last three digits of the sequence number for awards using the NMS numbering system.

D. Maintaining the Master CPR:

a) Once the Master CPR is prepared, i.e., the information identified in 2 above has been entered; save the file to your Past Performance diskette using the guidance provided in 3 above for assigning the file name.

b) Send a back-up copy of the Master CPR to the Past Performance Database by attaching it to an e-mail.

E. Initiating the Evaluation:

a) When the responsible CO determines that an evaluation is due, change the three digit file name extension to indicate whether this is an interim or final evaluation or an evaluation of a particular task or delivery order.

b) The procedure for changing the three digit extension is as follows: For interim and completion evaluations, the three digit file extension will use either an "i" for interim and "f" for final plus the fiscal year in which the evaluation begins. For task or delivery orders, the extension will use a "t" to indicate a task order and a "d" for delivery order and the number of the order. (If there is a three digit task or delivery order number, use the three digits without the "t" or "d.")

c) Attach the CPR with the new extension to an e-mail to the responsible CO who will request the CTO to provide information on block 7.

d) Save a copy of the CPR with the new extension that was sent to the responsible CO on your Past Performance diskette as a backup.

F. Monitoring Response for CTO:

a) When the responsible CO asks the CTO to provide information on the five assessment areas of block 7, a copy of the e-mail message should be made to the support staff responsible for monitoring the CTO's response.

b) Save the e-mail message forwarding the CPR to the responsible CO in your tickler mail box and set the clock to move the e-mail back to your in-box in five days with the message "alert CO."

G. Contacting the Contractor:

a) When the responsible CO sends the CPR to the contractor for review, a copy of the e-mail is made to the support staff.

b) Save the CPR to your Past Performance Diskette, overwriting the file of the CPR that was sent to the CTO with the file containing the assessment of performance in block 7.

c) Save your copy of e-mail to contractor in your tickler mail box so that you can remind the responsible CO if there is no response in 30 days.

H. Filing the completed CPRs:

a) When the responsible CO signs and dates the CPR, file a hard copy in the respective contract file and send a copy to the contractor. (See FAR 42.1503(b).)

b) Send an electronic copy of the CPR, the contractor's response and the upper-level review decision, if appropriate, to the Past Performance Database. Make sure that the electronic copy of the CPR indicates that the responsible CO has signed the CPR by typing in "/s/" in the signature box in block 15. If electronic copies are not available of the contractor's response or upper-level review, mail hard copies to the Past Performance Database.

Part 4. Technical Officer's Guide **for** **Evaluating Contractor's Performance**

Contractor Performance Reports (CPR) are report cards by which the Agency periodically evaluates contractor performance. As the activity managers responsible for monitoring the contract, you are the principal informant regarding contractor performance.

You are asked to evaluate performance in block 7 in relation to the requirement as described in block 6 of the CPR. The description summarizes the terms and conditions of the contract by answering the questions: what, when, how well, how many, where, and for whom.

The Five Assessment Areas:

Each of the five assessment areas looks at particular elements of the description of requirement. For example, quality (block 7A) is assessed in terms of how well the contractor has conformed to the what. Cost control (block 7B) assesses the cost-efficiency or cost-effectiveness in providing or performing the what. Timeliness (block 7C) assesses adherence to the when. Customer satisfaction looks at both USAID and the end-users as customers. Customer satisfaction - USAID (block 7D) assesses the professional and cooperative behavior of the contractor in its relationship with USAID staff in providing or performing the what. Customer satisfaction - end-users (block 7E) assesses the contractor's concern for the interests of those for whom the what was provided or performed.

Quality-

Quality rates how well the contractor conformed to the specifications in providing the supplies and to the performance standards in providing the services. For supply contracts, the question to ask is did the contractor meet the specifications⁶ as defined in the contract. For service contracts, the question to ask depends on whether the contractor was required to provide a specified level of effort in a stated period of time or to complete and deliver a specified end product. If the service is described in terms of a level of effort, quality rates how well the contractor matched the qualifications of the personnel provided, i.e., the level of effort agreed to in Section B of the contract, to the requirements of the positions described in Section C of the contract. If the service is described in terms of an end product, quality rates how well the contractor conformed to the performance standards and acceptance criteria⁷ in providing the service or services as specified in the statement of work found in Section C of the contract.

⁶ Specifications are found in Section B, Supplies or services and prices, and C, Description/specifications, of the contract.

⁷ Inspection, acceptance, quality assurance, and reliability requirements are found in Section E, Inspection and acceptance, of the contract.

Cost Control-

Cost control rates the cost-effectiveness or cost-efficiency of the contractor in providing the supplies or services. The questions to ask are the same that the cognizant technical officer asks when administratively approving contractor's vouchers for payment. Distinction is made between fixed-price contracts and cost-reimbursement contracts. For fixed-price contracts, the question is whether there were cost overruns or no. If no, the contractor met the requirement. For cost-reimbursement contracts, the questions will differ depending on whether the contract takes a term (level-of-effort) or completion form.

For level-of-effort contracts, the question is whether the expenditures for a unit of level-of-effort are equal to, below or above the contract's estimated cost for a unit of level-of-effort. The contractor would be meeting, exceeding or deficient depending on whether the expenditures were equal to, below, or above the estimated costs. If the contractor is required to provide 60 person months of technical services for \$2.4 million, in the final evaluation, the contractor would have met, exceeded, or was deficient to the extent that expenditures were equal to, below or above \$2.4 million in providing the 60 person months of technical services. In an interim evaluation, a contractor which had provided 20 percent or 12 months of technical services, would have met, exceeded, or was deficient, if expenditures were equal to, below or above 20 percent or \$480,000 of the total cost.

For completion contracts, the question is whether the expenditures are equal to, below or above estimated cost for the completed product. If the total estimated cost is \$2.4 million for performing technical services, the contractor would have met, exceeded, or was deficient if the contractor's expenditures were equal to, below, or above \$2.4. On a final evaluation, this is an objective rating. On interim evaluations, it is a judgment call. For example, a contractor would be meeting the requirement, if expenditures were \$480,000 and, in the judgment of the technical officer, 20 percent of the effort was completed. Since it is subjective, if the contracting is not meeting the requirement in an interim evaluation, the basis on which the rating is made should be made known to the contractor.

Timeliness-

Timeliness rates adherence to time-tables and delivery schedules, as determined in Section F⁸ of the contract, in providing the services or supplies. Timeliness does not rate submission of administrative documents, e.g., performance or financial reports, unless the failure to do so adversely affects meeting time-tables or delivery schedules. In rating this area, consideration should be given to the contractor's efforts to recommend and/or to take corrective actions to keep the contract on schedules. Thus, a contractor would meet the requirement by delivering supplies on schedule, but would exceed the requirement if the contractor took corrective action to compensate for delays which were not caused by the contractor and could not have been anticipated.

Customer Satisfaction - USAID-

Customer satisfaction - USAID rates the professional and cooperative behavior of the contractor with the Agency. The rating reflects both the contracting and technical officers' perspective. Questions to ask are: How cooperative was the contractor in working with the Agency to solve problems? Were contractor recommended solutions effective? Was the contractor responsive to the administrative issues⁹ of the contract?

Customer Satisfaction - End-users

Customer satisfaction - end-users rates the contractor's concern for the interest of the end-users as identified in the contract. End-user can be internal or external to the Agency. Agency personnel who receive technical support services from a computer firm are internal end-user. The most common external end-users are the people or institutions in the country receiving the assistance. The question to ask is: How well has the contractor done in satisfying end-users' demands within the contract requirement? The answer to this question may be obtained through a formal survey or a random selection of end-users depending on time and resources available.

Rating Performance:

Each of the five assessment areas is first scored and then comments are made, as appropriate.

Scoring-

⁸ Requirements for time, place, and method of delivery or performance are found in Section F, Deliveries or performance.

⁹ Specific attention should be given to the usefulness of performance reports and accuracy of financial reports required in Section G, Contract administration data, of the contract.

The middle value on the five-point rating scale is equivalent to meeting the terms and conditions of the contract. Hence, a score of three is given when the contractor meets the standard for the assessment area. A score of four is given when the contractor exceeds the standard. A score of five would be given only when the contractor has demonstrated an exceptional performance level which clearly exceeds the performance level of four. Some deficiencies would rate a two. Major or frequent minor deficiencies would rate a one.

It is recommended that the initial scoring be biased downward. That is, if you are not sure whether to give a three or a four, give the lower score. This will usually elicit a response from the contractor. The final score is made only after the contractor has reviewed and had the opportunity to comments on the initial assessment.

Comments-

If a score of three is given, comments¹⁰ are optional. Comments are only required to support a score above a three or to explain a score below a three. Comments on a score of three, however, are appropriate to motivate a contractor to optimal performance, e.g., indicate what must be done to rate a higher score.

Never comment on a deficiency for the first time in an evaluation. Deficiencies should have been brought to the contractor's attention previously and the contractor given time to take corrective measures. A comment on a deficiency should reflect the responsiveness of the contractor in correcting the deficiency or should advise what has to be done to bring performance up to an acceptable level.

Note: Return the CPR to the responsible contracting officer by attaching it to an e-mail. A copy of this e-mail should be made for your Strategic Objective Team Leader.

¹⁰ Comments should be concise, be based on the documented record, and support the numerical score. If the comment exceeds the five-line limitation, simply cut and paste the comment on a continuation sheet. Otherwise, anything in excess of five lines will overlap when the form is printed.

5. Rating Guide

The evaluation of performance, using the Contractor Performance Report (CPR), requires the participation of all members of the acquisition team. The contracting officer is responsible for seeing that policies and procedures are followed. With input from the technical officer and end-users, as appropriate, the contracting officer prepares the initial assessment of contractor's performance. The contractor is given 30 days to review the initial assessment of performance and submit comments, rebuttal statements, or additional information. The final assessment of performance is made only after the contractor has had an opportunity to respond.

Before obtaining input from the operational unit that requested the acquisition, the contracting officers verifies that the description of requirement provides sufficient information to assess contractor performance. The description should provide, at a minimum, answers to four questions: what, when, how well, and for whom. For supply contracts, the description should also include how many and where. To the extent practicable, measurable indicators should be used.

Performance is assessed in block 7 in relation to the terms and conditions of the contracts as summarized in block 6. Each assessment area looks at particular elements of the description of requirement. For example, quality (block 7A) is assessed in terms of how well the contractor has conformed to the what. Cost control (block 7B) assesses the cost-efficiency or cost-effectiveness in providing or performing the what. Timeliness (block 7C) assesses adherence to the when. Customer satisfaction looks at both USAID and the end-users as customers. Customer satisfaction - USAID (block 7D) assesses the professional and cooperative behavior of the contractor in its relationship with USAID staff in providing or performing the what. Customer satisfaction - end-users (block 7E) assesses the contractor's concern for the interests of those for whom the what was provided or performed.

Each of the five assessment areas is first scored and comments are made, as appropriate.

Scoring-

The middle value on the five-point rating scale is equivalent to meeting the terms and conditions of the contract. Hence, a score of three is given when the contractor meets the standard for the assessment area. A score of four is given when the contractor exceeds the standard. A score of five would be given only when the contractor has demonstrated an exceptional performance level which clearly exceeds the performance level of four. Some deficiencies would rate a two. Major or frequent minor deficiencies would rate a one.

Comments-

If a score of three is given, comments are optional. Comments are only required to support a score above a three or to explain a score below a three. Comments on a score of three, however, are appropriate to motivate a contractor to optimal performance, e.g., indicate what must be done to rate a higher score.

The assessment of performance requires input from the technical officer regarding quality (block 7A), cost control (block 7B) and timeliness of the delivered product or service (block 7C). The assessment of customer satisfaction-USAID (block 7D) regarding the professional and cooperative behavior of the contractor should include both the contracting and technical officers' perspective. The technical officer is the primary source of information regarding customer satisfaction - end-users but there may be need to survey end-users for additional information.

Before sending the CPR to the contractor for review, the contracting officer completes the assessment of customer satisfaction (blocks 7D and 7E), as appropriate. The contracting officer should also review and verify that the assessment of quality (block 7A), cost control (block 7B) and timeliness (block 7C) are consistent with the description of requirement (block 6). Block 9 needs to be filled out only on contracts that are completed.

Final ratings are made in block 14 only after the contractor has had an opportunity to submit comments, rebuttal statements or additional information. The contracting officer should correct any factual errors raised by the contractor by deleting or overwriting text and/or data.

After the final ratings are made, a copy of the CPR is sent to the contractor.

FEDERAL ACQUISITION REGULATION

Part 42-CONTRACT ADMINISTRATION

Subpart 42.15-Contractor Performance Information

42.1500 Scope of subpart.

This subpart provides policies and establishes responsibilities for recording and maintaining contractor performance information. It implements Office of Federal Procurement Policy Letter 92-5, Past Performance Information. This subpart does not apply to procedures used by agencies in determining fees under award or incentive fee contracts. However, the fee amount paid to contractors should be reflective of the contractor's performance and the past performance evaluation should closely parallel the fee determinations.

42.1501 General.

Past performance information is relevant information, for future source selection purposes, regarding a contractor's actions under previously awarded contracts. It includes, for example, the contractor's record of conforming to contract requirements and to standards of good workmanship; the contractor's record of forecasting and controlling costs; the contractor's adherence to contract schedules, including the administrative aspects of performance; the contractor's history of reasonable and cooperative behavior and commitment to customer satisfaction; and generally, the contractor's business-like concern for the

interest of the customer.

42.1502 Policy.

(a) Except as provided in paragraph (b) of this section, agencies shall prepare an evaluation of contractor performance for each contract in excess of \$1,000,000 (regardless of the date of contract award) and for each contract in excess of \$100,000 beginning not later than January 1, 1998, (regardless of the date of contract award) at the time the work under the contract is completed. In addition, interim evaluations should be prepared as specified by the agencies to provide current information for source selection purposes, for contracts with a period of performance, including options, exceeding one year. This evaluation is generally for the entity, division, or unit that performed the contract. The content and format of performance evaluations shall be established in accordance with agency procedures and should be tailored to the size, content, and complexity of the contractual requirements. [FAC 97-02, effective 10/10/97]

(b) Agencies shall not evaluate performance for contracts awarded under Subparts 8.6 and 8.7. Agencies shall evaluate construction contractor performance and architect/engineer contractor performance in accordance with 36.201 and 36.604, respectively.

42.1503 Procedures.

(a) Agency procedures for the past performance evaluation system shall generally provide for input to the evaluations from the technical office, contracting office and, where appropriate, end users of the product or service.

(b) Agency evaluations of contractor performance prepared under this subpart shall be provided to the contractor as soon as practicable after completion of the evaluation. Contractors shall be given a minimum of 30 days to submit comments, rebutting statements, or additional information. Agencies shall provide for review at a level above the contracting officer to consider disagreements between the parties regarding the evaluation. The ultimate conclusion on the performance evaluation is a decision of the contracting agency. Copies of the evaluation, contractor response, and review comments, if any, shall be retained as part of the evaluation. These evaluations may be used to support future award decisions, and should therefore be marked "Source Selection Information". The completed evaluation shall not be released to other than Government personnel and the contractor whose performance is being evaluated during the period the information may be used to provide source selection information.

Disclosure of such information could cause harm both to the commercial interest of the Government and to the competitive position of the contractor being evaluated as well as impede the efficiency of Government operations. Evaluations used in determining award or incentive fee payments may also be used to satisfy the requirements of this subpart. A copy of the annual or final evaluation shall be provided to the contractor as soon as it is finalized. [FAC 97-02, effective 10/10/97]

(c) Departments and agencies shall share past performance information with other departments and agencies when requested to support future award decisions. The information may be provided through interview and/or by sending the evaluation and comment documents to the requesting source selection official.

(d) Any past performance information systems, including automated systems, used for maintaining contractor performance information and/or evaluations should include appropriate management and technical controls to ensure that only authorized personnel have access to the data.

(e) The past performance information shall not be retained to provide source selection information for longer than three years after completion of contract performance.



December 31, 1997

MEMORANDUM FOR ALL CONTRACTING OFFICERS AND NEGOTIATORS

FROM: M/OP/OD, Marcus L. Stevenson, Procurement Executive

SUBJECT: Guidance on Evaluating Contractor Performance and Using Past Performance Information in Source Selection

CONTRACT INFORMATION BULLETIN 97-28

The purpose of this CIB is to update the guidance for conducting past performance evaluations and for using past performance information in source selection. Previous CIBs relating to past performance, namely CIBs 95-17, 96-17, 96-18 and 96-27, are hereby canceled. This CIB applies the lessons-learned from the past two years and makes USAID specific procedures consistent with changes in the FAR Part 15 rewrite (FAC 97-02).

As of January 1, 1998, FAR subpart 42.1502(b) requires that all contracts⁸ in excess of \$100,000 be evaluated at least annually and on completion of activities. In order to comply fully with this increased work demand, the evaluation process has been simplified. Henceforth, the assessment of performance is limited to the five areas in block 7 of the contractor performance report (CPR). Comments are required only when the score exceeds or is below a three. Key personnel/subcontractors are identified but not rated. The question in block 9 regarding selecting the firm again is only answered when conducting a final evaluation. The evaluation will be limited to the previous 12 months or from the last evaluation, whichever is shorter.

To facilitate the evaluation process, each contracting officer (CO) will prepare and maintain a master CPR form for all active contracts for which they are responsible.⁹ The master CPR will have the identification and background information entered in blocks 1

through 6, pertinent information of key personnel and subcontractors in block 8, and the name of the cognizant technical officer (CTO) and the CO in blocks 10 and 15 respectively. The master CPR can be used for all annual and final evaluations. After an evaluation is made using a copy of the master, it is saved with a different file name.¹⁰

Annual evaluations shall be initiated in the month of April unless the CO determines otherwise. The first annual evaluation shall take place anytime after six months of contract activity and each subsequent evaluations before 12 months have elapsed since the previous evaluation. The final evaluation shall be initiated as soon as practicable (FAR subpart 42.1503) but not later than 30 days after completion of activities.

Processing the evaluation should not take more than 60 days from the time that the CO sends the CPR to the CTO for the initial assessment until entry into the past performance database. If the CTO does not reply within five days, the CO should contact other members of the respective Strategic Objective (SO) Team who have been involved with the contract. If the contractor does not reply within 30 days, the CO should sign and date the report and send an electronic copy to the past performance database. If a higher level review is required, however, an additional 10 days may be taken to complete the evaluation. The database manager will provide a copy of the final report to the contractor as now required by FAR subpart 42.1503(b) at the time that it is entered into the past performance database.

The database manager will make copies of completed CPRs available to procurement officials during source selection. Because of the limited number of CPRs in the database, most past performance information, however, will still have to be obtained by doing reference checks on the contracts listed by offerors.

To ensure that past performance information collected through reference checks is comparable to past performance information in the database, the CPR (AID Form 1420-66) should be used. The procurement official, performing the reference check, needs to ask the respondent, i.e., the contact named by offeror, to provide information only on the five assessment areas of block 7 and to answer the question in block 9. When used for reference checks, the CPR is not sent to the contractor for review nor is any information provided beyond block 9. Once the information is obtained, the procurement official turns the information over to the proposal evaluation committee. The CPR Short Form or Multipurpose Form, previously recommended for this purpose, should not be used.

COs should tailor the instructions to offerors and the evaluation factors to the acquisition, taking into consideration the following:

FAR Subpart 15.304 requires that past performance be a non-cost factor in evaluating the quality of the product or service for negotiated competitive acquisitions over \$1,000,000. The relative weight of past performance,

however, no longer has to be equal to or greater than other non-cost evaluations factors. The weight given to past performance, however, should be in proportion to how well past performance a) is an indicator of the offeror's ability to perform the contract successfully and b) supports meaningful comparison and discrimination between and among competing proposals.

The solicitation must describe the approach for evaluating past performance. This will include a) identifying and weighing past performance subfactors that are tailored to the acquisition and b) describing how offerors with no relevant performance history will be evaluated.

Offeror shall be provided the opportunity to identify five to ten past or current contracts for efforts similar to the requirement as well as provide information on problems encountered on the identified contracts and the offeror's corrective action. Similar, used here, is in relation to size, scope, and complexity and not to a specific subject matter. The solicitation should instruct offerors to give the name and telephone numbers of contacts for those identified contracts for which there is no past performance report in a Government database.

The solicitation should advise the offeror that the Agency a) shall consider the information provided, as well as information obtained from other sources, when evaluating the offeror's past performance and b) shall determine the relevance of similar past performance information.

Under certain circumstances, exchanges with offerors regarding past performance information after receipt of proposals can take place. When awards are to be made without discussion, FAR subpart 15.306(a)(2) allows offerors to clarify adverse past performance information to which the offeror has not previously had an opportunity to respond. FAR subpart 15.306(b)(1)(i) requires communications with offerors whose past performance information is the determining factor preventing them from being placed in the competitive range.

For further information on this subject, contact the M/OP Contract Administration Home Page: <http://www.usaid.gov/M/OP/CA>. Questions on this CIB can be directed to the Past Performance Help Desk at: Past Performance@OP.SPU or by calling M/OP/SPU, Joseph Beausoleil at (202) 712-1908

8.. This applies to institutional contracts. Personal Services Contracts (PSCs) are excluded.

9.. COs can access a list of their active contracts valued in excess of \$100,000 directly from the NMS.

10.. See instructions for naming files in Part I, end-note 3, of the *Guidelines for Conducting Past Performance Evaluations*.