

**TITLE: CIB 95-17 Implementation of Past Performance Provisions
Promulgated by FAC 90-26**

July 3, 1995

MEMORANDUM FOR ALL CONTRACTING OFFICERS AND NEGOTIATORS

FROM: DAA/M, Michael D. Sherwin, Procurement Executive

SUBJECT: Implementation of Past Performance Provisions
Promulgated by FAC 90-26

CONTRACT INFORMATION BULLETIN 95-17

The FAR provisions on past performance as promulgated by FAC 90-26 require that: a) past performance information be a significant factor in source selection and b) information be collected and maintained on contractor performance. The specific steps to be taken to implement each of these requirements are as follows:

1. Use of Past Performance Information in Source Selection -

Solicitations must inform offerors that past performance will be used in responsibility determinations and best value decisions. Specifically, Section L, Instructions to Offeror, should explain what information the contractor is to provide and Section M, Evaluation, should explain what parts of a contractor's past performance are important and will be evaluated.

Section L must advise offerors that they shall submit information on previously performed contracts or on-going contracts that are the same as or similar to the statement of work in the solicitation performed for federal, state, and local governments, and for commercial firms. The information should be limited to a list of all such contracts and at least two contacts for each contract. If the offeror encountered problems on any of these contracts, they may provide an explanation and the corrective action taken. They may also describe any quality awards or certifications that indicate exceptional capacity to provide the services or product described in the statement of work. The offerors must be advised that USAID may obtain past performance information from sources other than those identified by the offeror. The provision on Requirement for Past Performance References which is presently included in all solicitations according to AIDAR 752.209-70 is being revised to reflect the FAR changes.

Section M must indicate the areas on which past performance will be evaluated. These areas should include at least: a) quality of services or product; b) timeliness of performance; c) cost control; and d) business relationships with client. They may also include: a) satisfaction of end users of services or products and b) managerial and technical competency of key personnel. The solicitation must indicate the relative importance of past performance to the other non cost/price factors but does not necessarily need to disclose the numerical weights. However, because past performance is now a significant factor in the non-cost/price evaluation, its relative weighting must be high in order to be meaningful.

Therefore, it is recommended that past performance be rated no less than 25 percent of the total non-cost evaluation score, or at least equal to the highest percentage given to any other non-cost evaluation score.

FASA states that where there is no information on past contract performance or where past performance information is not available, the offeror may not be evaluated favorably or unfavorably on this factor. The Guide to Best Practices for Past Performance, Interim Edition February 1995, provides additional guidance on pp. 16-17. It is highly unlikely, however, that an offeror, its employees, subcontractors, or consultants, will have no relevant past performance information that can be evaluated.

Technical evaluation committees should obtain information on past performance by using the Contractor Performance Report - Multi-purpose Form (see attachment A). This form can be used either in a telephone interview or sent to the contact person named by the offeror as the representative of the offeror's client on a previous contract. Since offerors must be made aware of the questionnaire or survey form that is used to record past performance information, it must be listed as an attachment in Section J.

As of July 1, 1995, all solicitations for competitively negotiated awards in excess of \$1 million per contract shall follow the procedures outlined above. Solicitations for awards of lesser value will be phased in over the subsequent three years. The provision in Attachment B to this CIB is to be used for solicitations over \$1 million beginning on July 1, 1995.

Until the revised provision is formally incorporated into the AIDAR, the current provision in AIDAR 752.209-70 should be used for solicitations under \$1 million.

2. Past Performance Information Data-base -

Information on contractor performance will be collected using the Contractor Performance Report form (see attachment C). The procedure will be initiated by the contracting officers who identify the contracts for which evaluations are due. After providing the background information on the report form, the contracting officer electronically forwards the report to the contracting officer's technical representative (COTR). The COTR comments on and scores each of the six evaluation areas. Contractors have 30 days to comment on the initial assessment before returning the report to the contracting officer. After reviewing the contractor's comments, a final score is then made, the evaluation report is marked Source Selection Information (in accordance with FAR 42.1503) and the evaluation report is filed along with the contractor's comments in both the contract administration file and in a central M/OP repository, the details of which will be worked out in the near future.

Performance evaluations are required for all contracts, on completion, or for contracts with a period of performance in excess of one year, on an interim basis; the interim period shall be no more frequently than once a year nor less frequently than once every two years, with the Contracting Officer, in conjunction with the COTR, using this range to define for each contract what the interim period shall be. As of July 1, 1995, contracts in excess of \$1 million will be affected. Contracts of lesser value, but not less than \$100,000, will be phased in over the subsequent three years.

Questions on this CIB can be referred to Diane Howard, M/OP/P, telephone 5-1534.

Attachments:

- A. Contractor Performance Report - Multipurpose form.
- B. Revised AIDAR 752.209-70
- C. Contractor Performance Report form with Instructions and Rating Matrix.

CONTRACTOR PERFORMANCE REPORT - MULTI-PURPOSE FORM

1. Contractor Name and Address:	2. Contract Number:
	3. Contract Value (Base Plus Options)
	4. Contract Award Date:
	Contract Completion Date:

5. Type of Contract: (Check all that apply)-[]FP []FP-EPA []CPFF-Completion []CPFF-Term []CPIF []CPAF []ID/IQ []BOA []Requirements []Labor Hour []T&M []SBSA 8(a) []SBIR []Sealed Bid []Negotiated []Competitive []Non-Competitive

6. Objective: Describe briefly the overall contract final objective in relation to total estimated cost and level of effort, if applicable.

7. Results: Summarize the specific results expected at conclusion of contract.

8. Performance: For each of the six areas listed below, provide information related to accomplishments, constraints, problems encountered and/or recommendations/suggestions to improve performance or ensure achievement of contract objective.

a) Quality of product or service. Comment:

b) Cost control or effectiveness. Comment:

c) Timeliness of performance. Comment:

d) Customer satisfaction - client. Comment:

e) Customer satisfaction - end users. Comment:

f) Effectiveness of key personnel. Comment:

Information Provided By:

Name:

Phone/Fax/Internet address:

Date:

Information Collected By:

Name/Office:

Signature _____

OMB NO.: 0412-0551 (B)

752.209-70 Requirement for Past Performance References.

The following provision shall be included in all solicitations substantially as follows:

**REQUIREMENT FOR PAST PERFORMANCE
REFERENCES (JUNE 1995)**

The offeror shall submit, as part of its proposal, information on previously performed contracts or on-going contracts that are similar to the statement of work in the solicitation performed for federal, state and local governments and for commercial firms. Information shall be provided on either 1) all such contracts within the past three years, or 2) the last ten such contracts performed, whichever is fewer, and shall be limited to the name and address of the organization for which the services were performed and the number (phone, fax or Internet) of at least two contacts for each contract listed. The offeror should not describe past performance history in the proposal. The information may include, however, discussion on any major problems encountered on the contracts listed and the corrective actions taken to resolve them. The information may also include a description of any quality awards earned by the offeror.

USAID will obtain information from the contract references provided by the offeror using the Contractor Performance Report - Multipurpose Form which is listed as an attachment in Section J. The offeror is advised that USAID may obtain past performance information from other than sources identified by the offeror. USAID will use past performance information both for responsibility determination and the best value decision.

CIB 95-17, Attach. B

CONTRACTOR PERFORMANCE REPORT	
[] Final or [] Interim - Period Report: From _____ To _____	
1. Contractor Name and Address:	2. Contract Number:
	3. Contract Value:
	4. Contract Award Date: Contract Completion Date:
5. Type of Contract: (Check all that apply)	
6. []FP []FP-EPA []CPFF - Completion []CPFF-Term []CPIF	
7. []CPAF []ID/IQ []BOA	
8. []Requirements []Labor Hour []T&M []SBSA 8(a) []SBIR []Sealed Bid []Negotiated []Competitive []Non-Competitive	
6. Description of Requirement:	
7. Ratings. Summarize contractor performance and circle in the column on the right the number which corresponds to the performance rating for each rating category.	
Quality - Comments	0
	1
	2
	3
	4
Cost Control - Comments	5
	0
	1
	2
	3
Timeliness of Performance - Comments	4
	5
	0
	1
	2
Customer Satisfaction (USAID) - Comments	3
	4
	5
	0
	1
	2
	3

	4
	5
Customer Satisfaction (End Users) - Comments	0
	1
	2
	3
	4
	5
Mean Score (add the ratings above and divide by the number of areas rated):	

8. Key Personnel

Name	Employment Dates
Comments/Rating:	
Name	Employment Dates
Comments/Rating:	
Name	Employment Dates
Comments/Rating:	
Name	Employment Dates
Comments/Rating:	
Name	Employment Dates
Comments/Rating:	
Name	Employment Dates
Comments/Rating:	

9. Would you select this firm again? Please explain.

10. COTR's Name	Signature
Phone/Fax/Internet Address	Date

11. Contractor's Review. Were comments, rebuttals, or additional information provided?
 No Yes. Please attach comments.

12. Contractor Name	Signature
Phone/Fax/Internet Address	Date

13. Agency Review. Were contractor comments reviewed at a level above the contracting officer?
 No Yes. Please attach comments. Number of pages

14. Final Ratings. Re-assess the Block 7 ratings based on contractor comments and agency review. Validate or revise as appropriate.

Quality	Cost Control	Timeliness	Customer Satisfaction	
			U S A I D	End User
Mean Score (Add the ratings above and divide by the number of areas rated)				
15. CO's Name		Signature		
Phone/Fax/Internet Address			Date	

Release of Information: This Contractor Performance Report may be used to support future award decisions, and will be treated as source selection information in accordance with FAR 3.104-4(k) (1) (x) and 42.1503(b). The completed report shall not be released to other than Government personnel and the contractor whose performance is being evaluated during the period the information is being used to provide source selection information.

CIB 95-17 Attach. C

INSTRUCTIONS FOR PREPARING
CONTRACTOR PERFORMANCE REPORTS

Blocks 1-4: This information should be transferred from an existing Agency data base.

Block 5: Type of Contract: Check all that apply.

Block 6: Provide a summary statement of work so that agencies calling for reference checks can compare contract performance for similar statements of work.

Block 7: Comment on all performance areas that apply and rate each using the Rating Matrix. The rating of three of the areas - Quality, Cost control, and Timeliness - should reflect how well the contractor complied with the specific contract performance standards for each area. The fourth rating area - Customer Satisfaction, Contract Administration Team - assesses the business relationship between the contractor and the contract administration team. The fifth area - Customer Satisfaction, End User - assesses the level of satisfaction of the recipients with the services provided or product delivered.

Block 8: Identify the key personnel and indicate how long they stayed on the contract. On the comment/rating line briefly describe the employees performance and rate them using the descriptors for the evaluation areas in block 7.

Block 9: If given a choice, please explain why you would or why you would not use the contractor for this contract again.

Block 10: The COTR or representative of the technical office most familiar with the contractor's performance should sign this block.

Blocks 11-12: The contractor may provide comments but must sign block 12 to indicate review of the rating.

Block 13: If the contractor and contracting officer are unable to agree on a final rating, an agency review at a level above the contracting officer is required.

Block 14: Adjust the ratings assigned in block 7, if appropriate, based on any comments, rebuttals, or additional information provided by the contractor and, if necessary, by the agency review. Calculate a mean score of the contractors performance.

Block 15: The contracting officer's signature certifies concurrence with the assessment and final ratings.

RATING MATRIX
CIB 95-17, Attach. C

After commenting on contractor performance in each of the rating areas, assign each area a numerical rating using the following scale: unsatisfactory=0, poor=1, fair=2, good=3, excellent=4, and excellent plus=5. The matrix below correlates the assessed area with numerical value of the rating.

Area	Quality of Service or Product	Cost Control	Timeliness of Performance	Customer Satisfaction CA Team	Customer Satisfaction End user
0. Unsatisfactory	Nonconformances are compromising attainment of contract requirement	Cost issues are compromising performance of contract requirement.	Delays are compromising the achievement of contract requirement.	Responses to technical or administrative inquires/issues are inadequate.	Service/product to end users generally unsatisfactory.
1. Poor	Nonconformances require major Agency resources to ensure achievement of contract requirement.	Cost issues require major Agency resources to ensure achievement of contract requirement.	Delays require major Agency resources to ensure achievement of contract requirements.	Responses to technical or administrative inquires/issues is marginally effective.	Service/product to end users marginally satisfactory.
2. Fair	Nonconformances require minor Agency resources to ensure achievement of requirement.	Cost issues require minor Agency resources to ensure achievement of requirements.	Delays require minor Agency resources to ensure achievement of requirements.	Response to technical or administrative inquires/issues is somewhat effective.	Service/product to end users somewhat satisfactory.
3. Good	Nonconformances do not impact on achievement of requirements.	Cost issues do not impact on achievement of requirement.	Delays do not impact on achievement of requirements.	Response to inquires/issues is usually effective.	Service/product to end users usually satisfactory.
4. Excellent	There are no quality problems.	There are no cost issues.	There are no delays.	Response is always effective.	Service/product always satisfactory.

5. Excellent The contractor has demonstrated an exceptional performance level in any of the above five plus categories that justifies adding a point to the score. Used only when contractor performance clearly exceeds the performance levels described as "Excellent."