

Contract Administration

Activity 38: Documenting Past Performance

Procedures for evaluations of the contractor performance and actions under previously awarded contracts.

Related Flow Charts: [Flow Chart 38](#)

Related Courses: [CLC 028](#); [FAC 060](#); [FCL-A-0032](#); [FCL-A-0407](#)

Related Tools: [Federal Awardee Performance and Integrity Information System \(FAPIIS\)](#), [Contractor Performance Assessment Reporting System \(CPARS\)](#)

Tasks	FAR Reference(s)	Additional Information
1. Determine whether a documented evaluation of contractor performance is required.	FAR 42.1502 Policy [contractor performance information].	<p>Past performance evaluations must be prepared at least annually during the performance of the contract and once the work under the contract or order is complete. Interim evaluations may be prepared as required, in accordance with agency guidance. Contracting specialists should check for any potential agency FAR deviations that establish different thresholds for required past performance assessments.</p> <p>Contracts/orders requiring past performance evaluations are:</p> <ul style="list-style-type: none">• Contracts that exceed the simplified acquisition threshold (SAT). Modifications to the contract that cause the dollar amount to exceed the simplified acquisition threshold will trigger the requirement for an evaluation.• Orders under multiple-agency contracts (e.g., Federal Supply Schedule [FSS], governmentwide acquisition contracts [GWACs]) that exceed the SAT. Modifications to the order that cause the dollar amount to exceed the SAT will trigger the requirement for an evaluation.• Orders under single-agency contracts that exceed the SAT, when the contracting officer deems that evaluations at the order level would be more useful than an evaluation at the overall contract level (e.g., when the

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		<p>scope of the contract is broad and the work at the order level varies significantly).</p> <ul style="list-style-type: none"> • Construction contracts of \$650,000 or more and for each construction contract terminated for default, regardless of the contract value. • Architect-engineer service contracts of \$30,000 or more and for each architect-engineer contract that is terminated for default, regardless of the contract value. <p>Evaluations should include an assessment of contractor performance against and efforts to achieve the goals identified in the small business subcontracting plan when the contract includes the clause at FAR 52.219-9.</p> <p>Performance evaluations are not required for AbilityOne participating non-profit agencies awarded contracts under FAR Subpart 8.7.</p>

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<p>2. Identify those individuals responsible for preparing and reviewing interim evaluations, if required, and final evaluations.</p>	<p>FAR 42.1503(a) Procedures [contractor performance information].</p>	<p>Agencies must assign responsibility and management accountability for the completeness of past performance submissions. Agency procedures for the past performance evaluation system must:</p> <ul style="list-style-type: none"> • Generally provide for input to the evaluations from the technical office, contract office, program management office and, where appropriate, quality assurance and end users of the product or service; • Identify and assign past performance evaluation roles and responsibilities to those individuals responsible for preparing evaluations, if prepared, and final evaluations (e.g., contracting officers, contracting officer representatives [CORs], project managers, and program managers). Those individuals identified may obtain information for the evaluation of performance from the program office, administrative contracting office, audit office, end users of the product or service, and any other technical or business advisor, as appropriate; and • Address management controls and appropriate management reviews of past performance evaluations, to include accountability for documenting past performance on Contractor Performance Assessment Reporting System (CPARS). <p>If agency procedures do not specify the individuals responsible for past performance evaluation duties, the contracting officer is responsible for this function.</p>

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<p>3. Collect and document past performance information throughout the period of performance.</p>	<p>FAR 42.1501 General [contractor performance information].</p>	<p>Relevant information includes:</p> <ul style="list-style-type: none"> • Conformance to requirements/good workmanship; • Forecasting and controlling costs; • Adherence to schedules, including administrative aspects of performance; • Reasonable and cooperative behavior and commitment to customer satisfaction; • Reporting into databases (as required); • Integrity and business ethics; and • Business-like concern for the interest of the customer.
<p>4. Prepare and submit all past performance evaluations electronically in the Contractor Performance Assessment Reporting System (CPARS).</p>	<p>FAR 42.1502(a) Policy [contractor performance information].</p> <p>FAR 42.1503(b) Procedures [contractor performance information].</p> <p>FAR 42.1503(f) Procedures [contractor performance information].</p>	<p>Instructions for submitting evaluations into CPARS are available at http://www.cpars.gov.</p> <p>The basic workflow for processing contractor’s assessments is:</p> <ul style="list-style-type: none"> • Step 1: Contract registration—Input/Register and administer contract information. • Step 2: Assessing Official or Assessing Official Rep—Initiate CPAR and enter proposed ratings and narrative. • Step 3: Assessing Officials—Validate proposed ratings and narratives, sign and sent to contractor. • Step 4: Contracting Representatives—Provide comments and indicate concurrence, non-concurrence. • Step 5: Assessing officials—Review contractors comments and modify CPARS, if required. • Step 6: Reviewing Official—Provide comments and close. <p>Do not report past performance evaluations for classified contracts and special access program in CPARS. Follow agency procedures for performance evaluations on classified contracts or special access programs.</p> <p>The evaluation should include:</p>

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5. Retain the past performance evaluation and related information to support future award decisions.	FAR 42.1503(d) Procedures [contractor performance information].	<ul style="list-style-type: none"> • Description of the purpose of the contract/order. • Ratings (exceptional, very good, satisfactory, marginal, unsatisfactory) for each of the following evaluation factors: <ul style="list-style-type: none"> ○ Technical (quality of product or service); ○ Cost control (not applicable for firm-fixed price); ○ Schedule/timeliness; ○ Management or business relations; ○ Small business subcontracting (as applicable); and ○ Other relevant factors. • Supporting narrative for each rating. Ratings and narratives must reflect the definitions in tables 42-1 and 42-2 in FAR 42.15. Ratings and narratives should accurately depict contractor performance and be based on objective facts supported by program or contract data. • Incentive-fee contract or award-fee contract performance evaluations (as applicable). <p>Retain copies of the evaluation, the contractor response's, and the review comments to support future award decisions.</p> <p>Federal Prison Industries (FPI) evaluations may be used to support a waiver request when FPI is a mandatory source.</p> <p>The completed evaluation should not be released to other than government personnel and the contractor whose performance is being evaluated.</p> <p>Agencies are required to use past performance information in CPARS and Federal Awardee Performance and Integrity Information System (FAPIIS) during source selection evaluations.</p>

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6. Determine whether reporting to FAPIIS is required.	FAR 42.1503 Procedures [contractor performance information].	<p>As applicable, report the following to the FAPIIS module in CPARS within three calendar days:</p> <ul style="list-style-type: none"> • Final determinations that a contractor has submitted defective cost or pricing data including all subsequent changes to that determination. • Issuance of final termination for cause or default notice, including all subsequent withdrawal or conversion of a termination for default to a termination for convenience.

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<p>7. Determine whether to refer negative performance information to the debarring official.</p>	<p>FAR 9.406 Debarment.</p>	<p>Follow agency procedures for the prompt reporting, investigation, and referral to the debarring official of matters appropriate for consideration. Those may matters include:</p> <ul style="list-style-type: none"> • Violation of the terms of a government contract or subcontract so serious as to justify debarment, such as: <ul style="list-style-type: none"> ○ Willful failure to perform in accordance with the terms of one or more contracts; or ○ A history of failure to perform, or of unsatisfactory performance of, one or more contracts. • Violations of 41 U.S.C. chapter 81, Drug-Free Workplace, as indicated by: <ul style="list-style-type: none"> ○ Failure to comply with the requirements of the Drug-Free Workplace clause (FAR 52.223-6); or ○ Such a number of contractor employees convicted of violations of criminal drug statutes occurring in the workplace as to indicate that the contractor has failed to make a good faith effort to provide a drug- free workplace. • Intentionally affixing a label bearing a “Made in America” inscription (or any inscription having the same meaning) to a product sold in or shipped to the United States, when the product was not made in the United States; • Commission of an unfair trade practice as defined in FAR 9.403; and • Any other cause of so serious or compelling a nature that it affects the present responsibility of a government contractor or subcontractor.