



August 2014

CONTRACTOR PERFORMANCE

Actions Taken to Improve Reporting of Past Performance Information

GAO Highlights

Highlights of [GAO-14-707](#), a report to congressional committees

Why GAO Did This Study

Having complete, timely, and accurate information on contractor performance allows officials responsible for awarding new federal contracts to make informed decisions. Agencies generally are required to document contractor performance on contracts or orders exceeding certain dollar thresholds.

Section 853 of the National Defense Authorization Act for Fiscal Year 2013 required the development of a strategy to ensure that timely, accurate, and complete information on contractor performance is included in past performance databases. The act also required a change to the timeframes allowed for contractors to provide comments, rebuttals, or additional information pertaining to past performance information. The act required GAO to report on the actions taken in response to these requirements. For this report, GAO identified (1) the OFPP strategy to improve the number and quality of contractor past performance evaluations and implement provisions of the act, and (2) changes in the compliance rates for required performance evaluations from April 2013 to April 2014 for selected agencies. GAO reviewed OFPP memos and reports, government-wide guidance, and recent changes to the Federal Acquisition Regulation and interviewed an OFPP official. GAO also reviewed past performance reporting compliance data for 2013 and 2014.

GAO is not making any recommendations. OFPP concurred with GAO's findings.

View [GAO-14-707](#). For more information, contact William T. Woods at (202) 512-4841 or woodsw@gao.gov.

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Actions Taken to Improve Reporting of Past Performance Information

What GAO Found

The Office of Federal Procurement Policy's (OFPP) strategy to improve the reporting of past performance information relies on increased oversight and enhancements to guidance and acquisition regulations. Since 2009, OFPP has taken several actions to increase the number and quality of past performance submissions available to source selection officials, including:

- emphasizing reporting requirements through memos to agency officials;
- assessing and reporting on the level of compliance and quality of evaluations;
- directing the development of a compliance tracking tool;
- setting performance targets for certain agencies;
- directing the consolidation of systems for entering past performance information; and
- developing government-wide past performance guidance.

To implement provisions of the act, OFPP and the Federal Acquisition Regulatory Council (FAR Council) worked to enhance requirements for assigning responsibility and accountability; implement standards for complete evaluations; and ensure submissions are consistent with award fee evaluations. Recently, OFPP and the FAR Council revised the timelines for the contractor comment process in accordance with the 2013 statutory requirement.

Although agencies generally have improved their level of compliance with past performance reporting requirements, the rate of compliance varies widely by agency and most have not met OFPP targets. For the top 10 agencies, based on the number of contracts requiring an evaluation, the compliance rate ranged from 13 to 83 percent as of April 2014.

Rate of Compliance with Past Performance Reporting Requirement as of April 2013 and April 2014 for Top 10 Agencies Based on Number of Evaluations Due

Agency	Compliance Rate as of	
	April 2013	April 2014
Defense	76%	83%
Treasury	47	71
Interior	15	51
Homeland Security	34	45
Justice	21	29
Agriculture	13	27
Veterans Affairs	4	25
Health and Human Services	10	24
State	3	15
General Services Administration	3	13
Other agencies	32	47
Total federal government	32%	49%

Source: Past Performance Information Retrieval System | GAO-14-707

According to an OFPP official, some agencies placed greater emphasis on documenting contractor performance, but workforce shortages and work priorities may hinder better compliance. The official said that OFPP plans to continue its oversight and provide additional training and guidance.

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Abbreviations

CFO	Chief Financial Officer
CPARS	Contractor Performance Assessment Reporting System
DOD	Department of Defense
FAR	Federal Acquisition Regulation
NDAA	National Defense Authorization Act
OFPP	Office of Federal Procurement Policy
PPIRS	Past Performance Information Retrieval System

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August 7, 2014

Congressional Committees

Government agencies rely on contractors to perform a broad array of activities needed to meet their missions. Therefore, complete and timely information on contractors' past performance is critical to ensure the government does business only with companies that deliver quality goods and services on time and within budget. The Federal Acquisition Regulation (FAR) generally requires agencies to document contractor performance on contracts or orders that exceed certain dollar thresholds and to make that information available to other agencies through a shared government-wide database. We reported in 2009, however, that there was little information in the past performance database to share.¹ Agency officials noted at the time that a low priority for completing evaluations and a lack of system tools and metrics to monitor compliance made it difficult for managers to ensure timely completion of contractor performance evaluations.

Section 853 of the National Defense Authorization Act (NDAA) for Fiscal Year 2013 required a government-wide strategy to ensure that timely, accurate, and complete information on contractor performance is included in past performance databases used by executive agencies for making source selection decisions.² The strategy was to include standards for timeliness and completeness, assign responsibility and management accountability for completeness of past performance submissions, and make sure submissions are consistent with award fee evaluations. In addition, the contractor comment process was also to be revised so that evaluations of contractor past performance are posted to the relevant past performance database no more than 14 days after the information is provided to the contractor.³ The act also mandates GAO to report on actions of the Federal Acquisition Regulatory Council (FAR Council), chaired by the Administrator of the Office of Federal Procurement Policy

¹ GAO, *Federal Contractors: Better Performance Information Needed to Support Agency Contract Award Decisions*, [GAO-09-374](#) (Washington, D.C.: Apr. 23, 2009).

² Pub. L. No. 112-239.

³ Previously, contractors were allowed a minimum of 30 days to provide comments, rebuttals, or additional information.

(OFPP) in the Office of Management and Budget, to implement the required provisions, including the extent to which the actions achieved the section's objectives.⁴ For this report, we identified (1) OFPP's strategy to improve the number and quality of contractor past performance evaluations and implement provisions of section 853 of the NDAA for Fiscal Year 2013, and (2) changes in the compliance rates for required performance evaluations from April 2013 to April 2014 for selected agencies.

To identify government-wide actions taken or planned to improve the number and quality of contractor past performance evaluations and implement provisions of the NDAA for Fiscal Year 2013, we reviewed OFPP memoranda and reports to agency senior procurement executives related to documenting contractor performance as well as government-wide guidance and recent changes to the FAR related to documenting contractor performance and revising the contractor comment process. See Appendix I for a listing of OFPP past performance policy guidance and past performance related FAR cases. We also interviewed an OFPP official on actions taken or planned and interviewed officials at DOD, the largest procuring agency, on their actions taken or planned. To identify the changes in compliance rates for required performance evaluations for selected agencies, we reviewed compliance metrics from the Past Performance Information Retrieval System (PPIRS) as of April 2014 and compared them to April 2013 metrics. We identified changes in the compliance rates for the top 10 agencies based on number of evaluations due as of April 2014. To assess the reliability of these data, we reviewed system documentation and the programs used to generate the compliance metrics, and interviewed officials who manage the system.

⁴ The act also required that we assess the extent to which the strategy developed pursuant to the NDAA for Fiscal Year 2013 was consistent with the strategy to be developed by DOD under the NDAA for Fiscal Year 2012. In 2013, we reported on DOD's strategy to improve the quality and timeliness of past performance information and implement provisions of the NDAA for Fiscal Year 2012. GAO, Contractor Performance: DOD Actions to Improve the Reporting of Past Performance Information, GAO 13 589 (Washington, D.C.: June 27, 2013). Because the FAR Council did not develop a written strategy to implement the NDAA for Fiscal Year 2013, for this report we reviewed the various actions taken by OFPP, the FAR Council, and other relevant parties to address the requirements of the NDAA for Fiscal Year 2013. The FAR Council and OFPP worked with DOD in the implementation of the NDAA requirements for Fiscal Years 2012 and 2013, and we found that the actions taken to implement these requirements were generally consistent.

We found these data to be sufficiently reliable for the purpose of this report.

We conducted this performance audit from June 2014 to August 2014 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

When selecting contractors, the FAR generally requires agencies to consider past performance as a factor in most competitive procurements.⁵ During source selection, contracting officials often rely on various sources of past performance information, such as the prospective contractor's performance on prior government or industry contracts for efforts similar to the government's requirements, and the past performance information housed in the government-wide PPIRS database.

The FAR generally requires agencies to evaluate the contractor's performance on contracts or orders that exceed the simplified acquisition threshold at least annually, and at the time the work is completed.⁶ DOD's dollar thresholds are generally higher than the simplified acquisition threshold for contractor evaluations, which vary based on business sectors.⁷ To document and manage contractor performance information within the agency, DOD has used the Contractor Performance Assessment Reporting System (CPARS) since 2004. Developed by the

⁵ Past performance must be considered in selecting contractors for negotiated competitive procurements expected to exceed the simplified acquisition threshold, unless the contracting officer documents the reason past performance is not an appropriate evaluation factor for the acquisition. FAR § 15.304(c)(3). Evaluation of past performance, for example, may not be appropriate in a "lowest price, technically acceptable" source selection. FAR §15.101-2(b)(1).

⁶ FAR § 42.1502(a) and (b). Currently, the dollar threshold for simplified acquisitions, with limited exceptions, is \$150,000. FAR § 2.101. The FAR has separate assessment thresholds of \$650,000 and \$30,000 for construction and architect-engineer services contracts respectively. FAR § 42.1502(e) and (f).

⁷ DOD contracting activities are required to prepare an evaluation of contractor performance for each contract expected to exceed \$5 million for systems and operations support; \$1 million for services and information technology; and \$500,000 for ship repair and overhaul.

Navy, the system incorporates processes and procedures for drafting and finalizing evaluations, which are described in the CPARS Guide.⁸ In May 2010, OFPP designated CPARS as the single government-wide system for entering evaluations and by October 2010 all agencies had transitioned to using CPARS.

In completing past performance evaluations, the assessing official rates the contractor on various elements such as quality of the product or service, schedule, cost control, management, and small business utilization. For each applicable rating element, the assessing official determines a rating based on definitions from the CPARS Guide that generally relates to how well the contractor met the contract requirements and responded to problems. In addition, for each rating element, a narrative is to provide support for the rating assigned.

Once draft evaluations have been completed by the assessing official, the contractor is notified that the evaluation is available for review and comment through CPARS. After receiving and reviewing a contractor's comments and any additional information, the assessing official may revise the evaluation and supporting narrative. If there is disagreement with the evaluation, the reviewing official—generally a government official at a level above the contracting officer—will review and finalize the evaluation.

Section 806 of the National Defense Authorization Act (NDAA) for Fiscal Year 2012 required DOD to develop a strategy to ensure that evaluations in past performance databases used for making source selection decisions are complete, timely, and accurate.⁹ Its contractor comment process was also to be revised so that contractor past performance evaluations are posted to the databases used for source selection decisions no more than 14 days after the performance information is provided to the contractor. In June 2013, we reported on the status of

⁸ Both CPARS and PPIRS are managed and maintained by the DOD's Naval Sea Logistics Center Portsmouth but are government-wide systems under the direction of the General Services Administration's Integrated Award Environment.

⁹ Pub. L. No. 112-81, § 806 (2011).

DOD's actions to improve the quality and timeliness of past performance information and implement provisions of the NDAA for Fiscal Year 2012.¹⁰

OFPP's Past Performance Strategy Relies on Enhanced Oversight and Guidance and Revised Acquisition Regulations

OFPP's strategy to improve past performance information and respond to section 853 of the NDAA for Fiscal Year 2013 is to increase oversight of contractor performance evaluations, develop government-wide past performance guidance, and revise the FAR. Since 2009, OFPP has taken a number of actions, in conjunction with other organizations, to improve the amount and quality of past performance information available, including emphasizing reporting requirements; assessing the level of compliance and quality of evaluations; developing a compliance tracking tool; setting agency performance targets; consolidating systems used to enter past performance information; and developing government-wide past performance guidance. In addition, OFPP worked with the FAR Council to revise the FAR to implement provisions of the NDAAs for Fiscal Years 2012 and 2013 related to assigning responsibility and accountability; implementing standards for complete evaluations; and ensuring submissions are consistent with award fee evaluations. Revisions by OFPP and the FAR Council to the timing of the contractor comment process in accordance with the acts became effective in July 2014.

Increased Oversight of Past Performance Evaluations

In 2009, the Deputy Administrator of OFPP issued a memorandum to Chief Acquisition Officers and Senior Procurement Executives emphasizing changes to the FAR such as submitting contractor performance into PPIRS and identifying agency officials who must prepare such evaluations. In addition, the memo outlined actions that agency officials must take to help implement these practices. OFPP also announced plans to conduct regular compliance assessments and quality reviews to ensure that agencies submit timely performance information to PPIRS on required contracts, and provide clear, comprehensive, and constructive information useful for making future contract award decisions.

In early 2011, an OFPP review highlighted the need to improve the quantity and quality of information in PPIRS. To see how well agencies managed their efforts to improve submission of past performance evaluations, OFPP assessed the compliance with reporting requirements

¹⁰ GAO, *Contractor Performance: DOD Actions to Improve the Reporting of Past Performance Information*, [GAO-13-589](#) (Washington, D.C.: June 27, 2013).

and the quality of evaluations for the ten agencies that do the most contracting:

- OFPP found that agencies generally did not meet the requirement to evaluate contractor performance. OFPP's comparison of data from the Federal Procurement Data System-Next Generation and PPIRS indicated that past performance evaluations were completed for only a small percentage of contracts requiring an evaluation, especially in civilian agencies.
- To assess the quality of the evaluations, OFPP reviewed a sample to see how well various rating elements were addressed. They found the evaluations generally lacked sufficient information—such as details about how the contractor exceeded expectations or corrected poor performance—to support the rating, or did not include a rating for all performance areas.
- To improve the collection of contractor past performance information, agencies were asked to review their past performance reporting guidance to ensure it contained key characteristics and to improve management controls by using several strategies to improve compliance and increase the quality of the evaluations.
- To increase management oversight of contractor performance evaluations, OFPP worked with the PPIRS program office to develop a compliance tracking tool within PPIRS for measuring and managing agency reporting efforts. This was made available to all agencies in early 2011. The compliance tool allows managers to monitor compliance at the department, agency, or contracting office level. In addition, the tool allows agency officials to identify the compliance of specific contracts or orders that meet the reporting criteria.

In March 2013, OFPP issued a policy memo to establish annual past performance reporting compliance targets for Chief Financial Officer (CFO) Act agencies.¹¹ In establishing these targets, OFPP reviewed the compliance rates of agencies and found that the level of compliance varied widely. In order to make the compliance targets realistic and

¹¹ Chief Financial Officer Act agencies are defined in 31 U.S.C. § 901(b). While only CFO Act agencies are required to meet the targets above, small agencies are encouraged to establish targets and strategies as well.

achievable, OFPP set differing fiscal year 2013 and 2014 targets by agency based on the agency's level of compliance at the end of fiscal year 2012, with the expectation that all agencies will reach full compliance by the end of fiscal year 2015, as shown in table 1.

Table 1: Office of Federal Procurement Policy Annual Past Performance Reporting Compliance Targets

Fiscal years	Target for agencies with fiscal year 2012 compliance above 60%	Target for agencies with fiscal year 2012 compliance between 30% and 60%	Target for agencies with fiscal year 2012 compliance below 30%
2013	85%	75%	65%
2014	95	90	80
2015	100	100	100

Source: Office of Federal Procurement Policy Memo, March 6, 2013 | GAO-14-707

To assist CFO Act agencies in meeting these annual targets, the policy memo required that all of them establish their past performance reporting baselines, and set aggressive quarterly targets that reflect a strategy for meeting the annual performance targets. The memo also highlighted training opportunities for agencies' acquisition workforces on documenting contractor performance.

Government-Wide Past Performance Guidance and Revisions to the FAR Address Statutory Requirements

OFPP has also sought to improve contractor performance information and implement provisions of the NDAA for Fiscal Year 2013 by working with the General Services Administration's Integrated Award Environment, the CPARS program office, and the FAR Council to consolidate systems for entering past performance information and to develop government-wide past performance guidance, enhance FAR requirements, and change the contractor comment process. To standardize the past performance documentation process, the OFPP Administrator identified CPARS as the government-wide system for collecting contractor performance information, and by October 2010 agencies using other systems transitioned to CPARS. We previously reported that the various systems used to collect past performance information and the lack of standardized evaluation factors and rating scales limited the usefulness of the information in PPIRS.¹² Because the

¹² [GAO-09-374](#) (Washington, D.C.: Apr. 23, 2009).

CPARS Policy Guide was specific to DOD, the OFPP worked with the Integrated Award Environment, the CPARS program office, and an interagency working group to update the guide. A government-wide CPARS Guide was released in November 2012.¹³ In addition, OFPP worked with the FAR Council to revise the FAR in September 2013 to enhance various elements of documenting contractor performance and implement provisions of the NDAA for Fiscal Year 2013 and the NDAA for Fiscal Year 2012. The FAR was revised and the CPARS Guide was updated to implement these acts as follows:

- **Standards for timeliness:** The FAR does not include a timeframe for completing evaluations. However, the CPARS Guide includes a standard that evaluations should be completed within 120 days after the end of the evaluation period.
- **Standards for completeness:** Evaluation factors for each assessment must include, at a minimum: quality of product or service; cost control (where applicable); schedule/timeliness; management or business relations; and small business subcontracting (where applicable), and other (for example, late payments or nonpayment to subcontractors or tax delinquency).
- **Assigning responsibility for completeness of evaluations:** The requirement that agency procedures identify roles and responsibilities was expanded to include preparing and reviewing evaluations. Also, the FAR now provides a default that the contracting officer is responsible for completing evaluations if agency procedures do not specify that role.
- **Management accountability:** Agencies are required to evaluate compliance and assign responsibility and management accountability for completeness of performance submissions.
- **Ensuring past performance submissions are consistent with award fee evaluations:** Award and incentive fee evaluations and adjectival ratings are to be included as part of the past performance evaluations.

¹³ The guidance is non-regulatory in nature and intended to provide useful information and best practices to the workforce for using CPARS.

OFPP, in conjunction with the FAR Council, recently implemented provisions of the acts related to changing the timing for obtaining contractor comments. Previously, contractors were allowed a minimum of 30 days to provide comments, rebuttals, or additional information. On May 30, 2014, the final rule changing the contractor comment process was issued with an effective date of July 1, 2014.¹⁴ The rule provides that contractors will have no more than 14 days from the date of notification of the availability of the evaluation to provide comments, rebuttals, or other information before the evaluation is posted to PPIRS, where it is available government-wide for source selection purposes for 3 years after the contract performance completion date.¹⁵ When a contractor cannot meet this deadline, its comments will be added to the evaluation after it has moved into PPIRS, as well as any agency review of the comments.

Compliance with the Reporting Requirement Varies Greatly by Agency

Although agencies have generally improved their level of compliance with the reporting requirements over the last year, that rate varies greatly by agency and most have not met the targets set by OFPP. As shown in table 2, all of the top 10 agencies, based on number of contracts or orders with an evaluation due in PPIRS, showed improvement in reporting compliance from 2013 to 2014, but the compliance rate varied from 13 percent to 83 percent as of April 2014. According to OFPP's annual reporting performance targets, as shown in table 1, all CFO Act agencies should have been at least 65 percent compliant by the end of fiscal year 2013, but only two of the top 10 agencies were above 65 percent compliance as of April 2014.

¹⁴ 79 Fed. Reg. 31,197 (May 30, 2014).

¹⁵ Agencies shall use the past performance information in PPIRS that is within three years (six for construction and architect-engineer contracts) of the completion of performance of the evaluated contract or order. FAR § 42.1503(g).

Table 2: Rate of Compliance with Past Performance Reporting Requirement as of April 2013 and April 2014 for Top 10 Agencies Based on Number of Evaluations Due

Agency	Compliance rate as of ^a	
	April 2013	April 2014 ^b
Defense ^c	76%	83%
Treasury	47	71
Interior	15	51
Homeland Security	34	45
Justice	21	29
Agriculture	13	27
Veterans Affairs	4	25
Health and Human Services	10	24
State	3	15
General Services Administration	3	13
Other Agencies	14	25
Total federal government	32	49

Source: Past Performance Information Retrieval System compliance tool | GAO-14-707

^aCompliance is based on cumulative contracts or orders that should have an evaluation in PPIRS at a point in time. The Departments of Homeland Security and State have deviations from the simplified acquisition reporting threshold, and other departments and agencies may have additional exceptions to the reporting requirement, that are not reflected in the PPIRS compliance metrics.

^bMethodological changes between the two periods may account for some of the change in compliance rate. For example, in late fiscal year 2013, AbilityOne contracts were no longer counted in PPIRS as requiring an assessment for civilian agencies. In addition, there were changes that affected the number of evaluations due from the General Services Administration.

^cDepartment of Defense compliance is based on dollar thresholds that are generally higher than the simplified acquisition threshold.

According to an OFPP official, some agencies placed greater emphasis on improving timely reporting and have increased their management oversight, issued guidance, diligently monitored compliance, and frequently conduct internal meetings with management and accountable staff about reporting activity and responsibilities. However, the official noted that some agencies report workforce shortages, work priorities, and time constraints as hindering better compliance. Some contracting officers also reported that they had difficulty in obtaining timely feedback from other parts of the acquisition workforce so that they could complete the evaluation due to shifting workloads, retirements, and relocations.

The OFPP official stated the office plans to continue its efforts to improve past performance information and strengthen reporting compliance, by taking the following actions:

-
- collaborating with agency senior procurement executives to increase management oversight and leadership;
 - working with the FAR Council on the development of additional regulatory guidance, as necessary, to standardize reporting practices and improve agency consideration of past performance information;
 - directing the Federal Acquisition Institute to develop useful training aids to ensure agencies know how to consider performance information prior to contract award and rate a contractor's performance during the post-award process;
 - overseeing the General Services Administration's Integrated Award Environment on system enhancements to ensure agencies have a practical reporting tool with useful performance metrics to manage and monitor not only reporting compliance but also quality reporting of performance information; and
 - conducting outreach with internal and external stakeholders to garner their thoughts on ways to improve past performance information reporting.

Agency Comments

We are not making recommendations in this report. We requested comments on a draft of this report from OFPP and DOD. On July 24, 2014, an OFPP Procurement Policy Analyst provided comments by e-mail. OFPP concurred with the findings of the draft report, and provided technical comments, which we incorporated as appropriate. DOD also provided technical comments by e-mail, which we incorporated as appropriate.

We are sending this report to appropriate congressional committees, the Director of the Office of Management and Budget, the Secretary of Defense, and other interested parties. The report will also be available at no charge at the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-4841 or woodsw@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. LaTonya Miller, Assistant Director; Julia Kennon; Robert Swierczek; Bradley Terry; and Alyssa Weir made key contributions to this report.

A handwritten signature in black ink that reads "William T. Woods". The signature is written in a cursive, flowing style.

William T. Woods
Director, Acquisition and Sourcing Management

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Appendix I: Past Performance Policy Guidance and Federal Acquisition Regulation (FAR) Cases

Office of Federal Procurement Policy (OFPP) Past Performance Policy Guidance

Over the past five years, OFPP has issued additional policy guidance to strengthen agency use of past performance information and improve agency reporting compliance and documentation.

Making Better Use of Contractor Performance Information (July 10, 2014): Enhances agencies' use of performance information when making source selection decisions on high-risk programs, major acquisitions, and other complex contract actions by directing agencies to conduct additional research and outreach to make more informed decisions, including obtaining as much relevant and recent performance information about a contractor's performance beyond what is in the Past Performance Information Retrieval System (PIRS).

<http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/making-better-use-of-contractor-performance-information.pdf>.

Improving the Collection and Use of Information about Contractor Performance and Integrity (March 6, 2013): Requested agencies to: (1) establish a baseline for reporting compliance, (2) set aggressive performance targets that agencies can use to monitor and measure reporting compliance, and (3) ensure the workforce is trained to properly report and use this information to improve the collection and use of performance and integrity information.

<http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/improving-the-collection-and-use-of-information-about-contractor-performance-and-integrity.pdf>.

Improving Contractor Past Performance Assessments: Summary of the Office of Federal Procurement Policy's Review, and Strategies for Improvement (January 21, 2011): Included OFPP's initial assessment of agencies' reporting of contractor performance information and additional steps and strategies for improving the collection of past performance information.

http://www.whitehouse.gov/sites/default/files/omb/procurement/contract_perf/PastPerformanceMemo-21-Jan-2011.pdf.

Improving the Use of Contractor Performance Information (July 29, 2009): Described new FAR requirements to strengthen the use of contractor performance information, included agency management responsibilities to support robust implementation, and established OFPP's review process for evaluating agencies' reporting of contractor performance information.

http://www.whitehouse.gov/sites/default/files/omb/assets/procurement/improving_use_of_contractor_perf_info.pdf.

Recent Past Performance Related FAR Cases

The FAR Council, chaired by the Administrator of OFPP, has recently amended the FAR to strengthen the collection of contractor past performance information, including:

FAR Case 2012-028, Contractor Comment Period, Past Performance Evaluations: Implements section 806(c) the National Defense Authorization Act (NDAA) for Fiscal Year 2012, Pub. L. No. 112-81 (2011) and section 853(c) of the NDAA for Fiscal Year 2013, Pub. L. No. 112-239. The final rule provides that contractors will have no more than 14 days from the date of notification of the availability of the evaluation to provide comments, rebuttals, or other information before the evaluation is posted to PPIRS. The final rule was published in the Federal Register on May 30, 2014, at 79 Fed. Reg. 31,197, and was effective July 1, 2014.

FAR Case 2012-009, Documenting Contractor Performance: Implements parts of section 806 of NDAA for Fiscal Year 2012, Pub. L. No. 112-81, and establishes standards of completeness of past performance evaluations, strengthens assignment of responsibility and management accountability for submitting assessments, and requires that past performance submissions include incentive/award fee information, where appropriate. This rule also incorporates certain requirements from section 853 of the NDAA for Fiscal Year 2013, Pub. L. No. 112-239. This final rule was published in the Federal Register on August 1, 2013, at 78 Fed. Reg. 46,783 and was effective on September 3, 2013.

FAR Cases 2008-016, Termination for Default Reporting: Establishes procedures for contracting officers to provide contractor information, such as terminations for cause or default and defective cost or pricing data, into PPIRS and Federal Awardee Performance and Integrity Information System module within PPIRS. This final rule was published in the Federal Register on September 29, 2010, at 75 Fed. Reg. 60,258, and effective October 29, 2010.

FAR Case 2008-027, Federal Awardee Performance and Integrity Information System: Amends the FAR to implement the Federal Awardee Performance and Integrity Information System. The system is designed to significantly enhance the Government's ability to evaluate the business ethics and quality of prospective contractors competing for Federal contracts and to protect taxpayers from doing business with contractors that are not responsible sources. This final rule was published in the Federal Register on March 23, 2010, at 75 Fed. Reg. 14,059, and was effective April 22, 2010.

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