

§ 69.113 [Amended]

72. In § 69.113(c), remove the word “§ 61.3(v)” and add, in its place, the word “§ 61.3(x)”.

§ 69.114 [Amended]

73. In § 69.114(a), remove the word “§ 61.3(v)” and add, in its place, the word “§ 61.3(x)”.

[FR Doc. 98–24742 Filed 9–15–98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY
48 CFR Part 1509 and 1552

[FRL–6158–6]

Acquisition Regulation: Contractor Performance Evaluations

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule with request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is amending the EPA Acquisition Regulation (EPAAR) (48 CFR Chapter 15) to revise its policy and procedures regarding the evaluation of contractor performance on EPA contracts and to establish an EPAAR clause to be used in solicitations and contracts with an estimated dollar value in excess of \$100,000. This proposed rule applies to all large and small entities who perform or are interested in performing under EPA contracts.

DATES: Comments should be submitted not later than November 16, 1998.

ADDRESSES: Written comments should be submitted to the contact listed below at the following address: U.S. Environmental Protection Agency, Office of Acquisition Management (3802R), 401 M Street, SW, Washington, D.C. 20460. Comments will also be accepted on disks in WordPerfect 6.1 format or by electronic mail (E-mail) to: smith.frances@epamail.epa.gov. E-mail comments must be submitted as an ASCII file, avoiding the use of special characters and any form of encryption. No Confidential Business Information (CBI) should be submitted through E-mail.

FOR FURTHER INFORMATION CONTACT: Frances Smith, U.S. Environmental Protection Agency, Office of Acquisition Management, (3802R), 401 M Street, SW, Washington, D.C. 20460, Telephone: (202) 564–4368.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule implements the Office of Federal Procurement Policy (OFPP) Policy Letter 92–5, Past Performance Information. The OFPP Policy Letter requires Federal agencies to evaluate contractor performance on contracts over \$100,000, to use past performance information in making responsibility determinations in both sealed bid and competitively negotiated procurements, and to specify past performance as an evaluation factor in solicitations for competitively negotiated contracts expected to exceed \$100,000.

B. Executive Order 12866

This proposed rule is a significant regulatory action for the purposes of Executive Order 12866. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) has reviewed and issued OMB Clearance No. 9000–0142 for agencies to adhere to the OFPP Policy Letter 92–5.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) applies to this proposed rule, and the information collection request (ICR) in this proposed rule has been evaluated by the Office of Management and Budget (OMB). The Office of Information and Regulatory Affairs within OMB has issued OMB Clearance No. 9000–0142 for the collection of contractor performance information. Comments regarding Paperwork Reduction Act concerns should be sent to OMB (Attn: EPA Desk Officer). OMB is required to make a decision concerning the collection of information contained in the proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to EPA on the proposed rule.

D. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), whenever EPA is required to publish notice of general rulemaking, EPA must prepare an initial regulatory flexibility analysis (IRFA) describing the economic impact of the proposal on small entities, unless the Agency certifies that a proposed rule will not have a “significant economic impact on a substantial number of small entities.” As defined in RFA/SBREFA, small

entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. After consideration of the economic impacts of today’s proposed rule on small entities, the Agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule merely formalizes EPA’s contractor performance evaluation process, as an expansion of the government-wide requirements already established in the Federal Acquisition Regulation, 48 CFR Subpart 42.15. The proposed rule explains that EPA contracting officers will be recording the evaluations on simple and easy-to-understand report forms generated by the National Institutes of Health’s (NIH) Contractor Performance System. Likewise, the evaluation rating system that the contracting officers will be using is based on straightforward numerical scores with a narrative explanation to be provided by the contracting officers. An adverse economic impact upon a contractor (i.e., in the form of less future federal business) as a result of a rating assessed by an EPA contracting officer would be attributable to the contractor’s past performance itself, not to the rating system prescribed herein.

Further, the proposed rule requires no reporting or recordkeeping by contractors. Rather, the proposed rule merely provides contractors with a formal opportunity, generally one time a year per contract, to review and comment on their specific performance evaluations as conducted by the cognizant EPA contracting officers. EPA estimates that the contractor’s review and comment process will require a minimal amount of time to complete; therefore, to the extent that this does result in some contractor-incurred costs, EPA anticipates that these will be de minimus. In any event, any reasonable costs incurred by the contractor in connection with the process will be allowable and allocable to the contract under evaluation and thereby borne by EPA.

E. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess their regulatory actions on State, local, and tribal governments, and the private sector. This proposed rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in aggregate, or the private sector in one year. The rule is not

subject to the requirements of sections 202 and 205 of the UMRA.

F. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by E.O. 12866, and because it does not involve decisions on environmental health or safety risks.

List of Subjects in 48 CFR Parts 1509 and 1552

Environmental protection, Government procurement. Therefore, 48 CFR Chapter 15 is proposed to be amended as set forth below:

1. The authority citation for Parts 1509 and 1552 continue to read as follows:

Authority: 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended.

PART 1509—[AMENDED]

2. Section 1509.170-1 is amended by adding the following at the end:

* * * Contracting officers shall insert the contract clause at 1552.209-76 in all solicitations and contracts with an estimated dollar value in excess of \$100,000. For acquisitions involving options, the total estimated value of the acquisition shall include the estimated base amount plus the option(s) amount(s).

3. Sections 1509.170-2, 1509.170-3, and 1509.170-4 are revised to read as follows:

1509-170-2 Purpose.

This subpart provides guidance to program and contracting personnel regarding the evaluation of contractor performance. It establishes a uniform method for determining and recording the effectiveness of contractors in meeting contractual obligations. Additionally, this subpart details a systematic approach for identifying and maintaining records of contractors' performance histories.

1509.170-3 Applicability.

(a) This subpart applies to all EPA acquisitions in excess of \$100,000, except for construction acquisitions, architect-engineer acquisitions, acquisitions awarded under FAR Subpart 8.6, Acquisitions from Federal Prison Industries, Incorporated, FAR Subpart 8.7, Acquisitions from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled, and FAR 13.5, Test Program for Certain Commercial Items. FAR 36.201 and 36.604 provide detailed instructions for construction and architect-engineer contractor performance evaluations.

(b) The acquisition of commercial items in accordance with FAR 13.106 is not applicable to this subpart because simplified acquisition procedures do not require the creation or existence of a formal database for past performance evaluations. In cases where simplified acquisition procedures are not used to acquire commercial items (see FAR 12.203), this subpart is applicable to acquiring commercial items in excess of \$100,000.

(c) EPA Form 1900-26, Contracting Officer's Evaluation of Contractor Performance, and EPA Form 1900-27, Project Officer's Evaluation of Contractor Performance, shall apply to all performance evaluations completed prior to the effective date of this subpart. However, on the effective date of this chapter, EPA Forms 1900-26 and 1900-27 are obsolete and all contractor performance evaluations shall be completed by use of the National Institutes of Health's (NIH) Contractor Performance System.

1509.170-4 Definitions.

(a) *Contractor Performance Report* is an evaluation of a contractor's performance for a specified period of time.

(b) *Interim Report* refers to a Contractor Performance Report that covers a contractor's performance evaluation at the end of each contract period of performance (including extensions to the performance period, but not exceeding 24 months) or each 12 month (from the date of contract award) performance period when the contract period of performance exceeds 24 months.

(c) *Final Report* refers to a Contractor Performance Report that covers the last period of performance in a contract. If the last period of performance exceeds 24 months, an interim Report shall be completed for 12 months (from the date of the prior performance evaluation) of contractor performance and the final (last) Report shall cover the remaining months of contractor performance.

(d) *Ratings* refer to the numerical scores for each performance category. Ratings are defined as follows: 0 = unsatisfactory, 1 = poor, 2 = fair, 3 = good, 4 = excellent, and 5 = outstanding.

(e) *Summary ratings* refer to the ratings determined by one level above the contracting officer (CO) regarding disagreements between the contractor and the CO. Summary ratings reflect the Agency's ultimate conclusion for the performance period being evaluated.

(f) *Performance Categories* refer to the measures used to evaluate a contractor's performance. Performance categories are defined as quality, cost control, timeliness of performance, and business relations.

4. Section 1509.170 is also amended by adding 1509.170-5, 1509.170-6, 1509.170-7, and 1509.170-8 to read as follows:

1509.170-5 Policy.

(a) Contracting officers (COs) are responsible for the timely completion of contractors' performance evaluations. The NIH Contractor Performance System shall be used to record individual contractor performance histories on EPA contracts and to obtain contractor past performance information for use in EPA's source selection process.

(b) Contracting officers are required to use the NIH Contractor Performance System to record evaluations for all contract performance periods expiring after the effective date of this subpart.

(c) Contractor evaluation information shall be recorded in Contractor Performance Reports (Report) which are generated by the NIH system. Reports shall cover individual contractor evaluations at the contract level, which includes all work assignments, task orders, or delivery orders associated with the period of performance being evaluated or the 12 month period being evaluated when the contract period of performance exceeds 24 months.

(d) The contracting officer (CO) must complete interim Reports covering each contract period of performance (including extensions to the performance period up to 24 months) or covering each 12 month period after contract award (if the contract period of performance exceeds 24 months) for all contracts in excess of \$100,000, except those acquisitions identified in 1509.170-2 Applicability. In addition to interim Reports, the CO must complete a final Report which covers the last period of performance (including extensions to the last performance period up to 24 months) for applicable contracts in excess of \$100,000. If the last period of performance exceeds 24

months, an interim Report shall be completed for 12 months (from the date of the prior performance evaluation) of contractor performance, and the final (last) Report shall cover the remaining months of contractor performance.

(e) The contracting officer (CO) shall initiate the process for completing interim Reports within five (5) calendar days after the end of each contract period of performance or at the end of each 12 month period if the contract period of performance exceeds 24 months. The CO shall initiate the process for completing a final Report within five (5) calendar days after the end of the last period of performance. Final Reports must be completed prior to contract closeout.

(f) The contracting officer (CO) must complete interim and final Reports, including the project officer's (PO) evaluation of contractor performance, receipt of any contractor input, and resolution of summary ratings (if any) within 90 calendar days from the date the CO initiates the evaluation.

(g) Reports shall be used to inform other agencies and departments (upon request) about a contractor's performance on an EPA contract, and to assist the contracting officer and the Technical Evaluation Panel (TEP) with evaluating past performance for future EPA acquisitions.

(h) When evaluating proposals, contracting officers (COs) shall use the NIH system to access Reports from other agencies or departments that are available in the NIH database. COs may need to access past performance information from other than the NIH system if the NIH system does not include applicable information.

(i) In accordance with FAR 42.1503(b), the ultimate conclusion on the performance evaluation is the decision of the Agency. The CO must ensure the accuracy of ratings for each performance category by verifying that information in the contract file corresponds with the PO's designated ratings. A contractor's performance evaluation should closely parallel award fee determinations made under the contract.

(j) In cases of novations involving successors-in-interest, a final evaluation of the predecessor contractor must be completed within five (5) calendar days after the end of the predecessor contractor's performance, and an interim evaluation of the successor contractor must be completed at the end of the specific period of performance or at the end of each 12 month period after the successor began performing. In cases of change-of-name agreements, the

system shall be changed to reflect the new contractor's name.

(k) Contracting officers must inform the Office of Debarment and Suspension of any repetitive unsatisfactory or poor (a score of 0 or 1) ratings encountered by the contractor.

1509.170-6 Filing of forms.

The original copy of completed Contractor Performance Reports (interim and final) shall be filed in each individual contractor's official contract file. The NIH Contractor Performance System will retain all reports three (3) years after contract completion.

1509.170-7 Release of ratings.

(a) Agencies and departments who subscribe to NIH's Contractor Performance System will have direct access to all Reports, including those of EPA, in NIH's database. Information on EPA contractors' performance ratings may also be obtained by contacting the EPA contracting officer responsible for the evaluation.

(b) Contractors' performance ratings may be released to other Federal, State, and local Governments upon written request. The release to other Federal, State, and local Governments must stipulate that the information provided shall not be released outside of the requesting Government agency. In cases where the Federal agency is part of the NIH Contract Performance System, a written request is not applicable.

(c) The Department of Justice, Office of Information and Privacy, has concluded that past performance evaluations are exempt under Exemption 5 of the Freedom of Information Act (FOIA). However, any requests for contractor performance ratings by a third party (including, but not limited to commercial businesses (private industry) and foreign governments) must be processed in accordance with the FOIA and 40 CFR Part 2.

(d) FOIA requests shall be processed by the EPA FOIA office where the contract is located. The FOIA office will consult the Office of General Counsel, on a case-by-case basis, regarding applicable FOIA exemptions.

1509.170-8 Contractor Performance Report.

(a) Contractor Performance Reports (interim and final) must be prepared electronically by use of the NIH's Contractor Performance System. Hard copy preparation of Reports shall not be used unless specifically instructed by the NIH. NIH will provide EPA's Office of Acquisition Management Internal Oversight Service Center with specific

instructions if hard copy use becomes necessary.

(b) A copy of the NIH Contractor Performance Report (including instructions) shall be included in each solicitation and contract with an estimated value in excess of \$100,000.

PART 1552—[AMENDED]

5. Section 1552.2 is amended by adding 1552.209-76 as follows:

1552.209-76 Contractor Performance Evaluations.

As prescribed in section 1509.170-1, insert the following clause in all applicable solicitations and contracts.

CONTRACTOR PERFORMANCE EVALUATIONS

(OCT 19XX)

The contracting officer (CO) shall complete a Contractor Performance Report (Report) within ninety (90) calendar days after the end of each contract period of performance in accordance with EPAAR 1509.170-5. The contractor shall be evaluated based on the following ratings and performance categories:

Ratings: 0 = unsatisfactory, 1 = poor, 2 = fair, 3 = good, 4 = excellent, 5 = outstanding.

Performance Categories

Quality: Compliance with contract requirements; accuracy of reports; effectiveness of personnel; and technical excellence.

Rating	
0	Contractor is not in compliance and is jeopardizing achievement of contract objectives.
1	Major problems have been encountered.
2	Some problems have been encountered.
3	Minor inefficiencies/errors have been identified.
4	Contractor is in compliance with contract requirements and/or delivers quality products/services.
5	The contractor has demonstrated an outstanding performance level that justifies adding a point to the score. It is expected that this rating will be used in those rare circumstances when contractor performance clearly exceeds the performance level described as "Excellent."

Cost Control: Record of forecasting and controlling target costs; current, accurate and complete billings; relationship of negotiated costs to actuals; cost efficiencies.

Rating	
0	Contractor is unable to manage costs effectively.
1	Contractor is having major difficulty managing costs effectively.
2	Contractor is having some problems managing costs effectively.

Rating	
3	Contractor is usually effective in managing costs.
4	Contractor is effective in managing costs and submits current, accurate, and complete billings.
5	The contractor has demonstrated an outstanding performance level that justifies adding a point to the score. It is expected that this rating will be used in those rare circumstances when contractor performance clearly exceeds the performance level described as "Excellent."

Timeliness of Performance: Met interim milestones; reliability; responsive to technical direction; completed on time, including wrap-up and contract administration; met delivery schedules; no liquidated damages assessed.

Rating	
0	Contractor delays are jeopardizing performance of contract objectives.
1	Contractor is having major difficulty meeting milestones and delivery schedule.
2	Contractor is having some problems meeting milestones and delivery schedule.
3	Contractor is usually effective in meeting milestones and delivery schedule.
4	Contractor is effective in meeting milestones and delivery schedule.
5	The contractor has demonstrated an outstanding performance level that justifies adding a point to the score. It is expected that this rating will be used in those rare circumstances when contractor performance clearly exceeds the performance level described as "Excellent."

Business Relations: Effective management, including subcontracts; reasonable/cooperative behavior; responsive to contract requirements; notification of problems; flexibility; pro-active versus reactive; effective small/small disadvantage business subcontracting program.

Rating	
0	Response to inquiries, technical/service/administrative issues is not effective.
1	Response to inquiries, technical/service/administrative issues is marginally effective.
2	Response to inquiries, technical/service/administrative issues is somewhat effective.
3	Response to inquiries, technical/service/administrative issues is usually effective.

Rating	
4	Response to inquiries, technical/service/administrative issues is effective.
5	The contractor has demonstrated an outstanding performance level that justifies adding a point to the score. It is expected that this rating will be used in those rare circumstances when contractor performance clearly exceeds the performance level described as "Excellent."

(a) The contracting officer (CO) shall initiate the process for completing interim Reports within five (5) calendar days at the end of each contract period of performance or at the end of each 12 month contract period (if the contract period of performance exceeds 24 months) by requesting the project officer (PO) to evaluate contractor performance for the interim Report. In addition, the CO shall initiate the process for completing final Reports within five (5) calendar days after the end of the last period of performance (not exceeding 24 months) by requesting the project officer to evaluate contractor performance for the final Report. The final Report shall cover the last contract period of performance which may be less than 12 months, but not more than 24 months. Within thirty (30) calendar days after the PO receives a request from the CO to complete an evaluation, the PO shall:

- (1) complete a description of the contract requirements;
- (2) evaluate contractor performance and assign a rating for quality, cost control, and timeliness of performance categories (including a narrative for each rating);
- (3) provide any information regarding subcontracts, key personnel, and customer satisfaction;
- (4) assign a recommended rating for the business relations performance category (including a narrative for the rating); and
- (5) provide additional information appropriate for the evaluation or future evaluations.

(b) The CO shall:

- (1) ensure the accuracy of the PO's evaluation by verifying that the information in the contract file corresponds with the designated PO's ratings;
- (2) assign a rating for the business relations performance category (including a narrative for the rating);
- (3) concur with or revise the PO's ratings after consultation with the PO;
- (4) provide any additional information concerning the quality, cost control, and timeliness of performance categories if deemed appropriate for the evaluation or future evaluations (if any), and provide any information regarding subcontracts, key personnel, and customer satisfaction; and
- (5) forward the Report to the contractor within ten (10) calendar days after the CO receives the PO's evaluation.

(c) The contractor shall be granted thirty (30) calendar days from the date of the

contractor's receipt of the Report to review and provide a response to the CO regarding the contents of the Report. The contractor shall:

- (1) review the Report;
- (2) provide a response (if any) to the CO on company letter head or electronically;
- (3) complete contractor representation information; and
- (4) forward the Report to the CO within the designated thirty (30) calendar days.

(d) The contractor's response to the Report may include written comments, rebuttals (disagreements), or additional information. If the contractor does not respond to the Report within the designated thirty (30) calendar days, the specified ratings in the Report are deemed appropriate for the reporting period of performance. In this instance, the CO shall complete the Agency review and sign the Report within three (3) calendar days after expiration of the specified 30 calendar days.

(e) If the contractor submits comments, rebuttals (disagreements), or additional information to the CO which contests the ratings, the CO, in consultation with the PO, shall initially try to resolve the disagreement(s) with the contractor.

(f) If the disagreement(s) is (are) not resolved between the contractor and the CO, the CO shall provide a written recommendation to one level above the CO for resolution as promptly as possible, but no later than five (5) calendar days after the CO is made aware that the disagreement(s) has (have) not been resolved with the contractor. The individual who is one level above the CO shall:

- (1) review the CO's written recommendation; and
- (2) provide a written determination to the CO for summary ratings (ultimate conclusion for ratings pertaining to the performance period being evaluated) within five (5) calendar days after the individual one level above the CO receives the CO's written recommendation.

(g) If the disagreement is resolved, the CO shall complete the Agency review and sign the Report within three (3) calendar days after consultation.

(h) The CO shall complete the Agency review and sign the Report within three (3) calendar days after the CO receives a written determination for summary ratings from one level above the CO.

(i) An interim or final Report is considered completed after the CO signs the Report. The CO must provide a copy of completed Reports (interim and final) to the contractor within two (2) calendar days after completion.

Dated: August 31, 1998.

Betty L. Bailey,
Director, Office of Acquisition Management.

BILLING CODE 6560-50-P

**APPENDIX TO THE PREAMBLE - COPY OF THE NIH
CONTRACTOR PERFORMANCE REPORT**

National Institutes of Health

CONTRACTOR PERFORMANCE REPORT

FINAL REPORT _____ INTERIM REPORT _____ (Check one)

REPORTING PERIOD: (from) _____ (to) _____

CONTRACTING OFFICE (Location): _____

CONTRACT NUMBER: _____

TASK NO: _____

CONTRACTOR NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

CONTRACT AWARD DATE: _____

CONTRACT EXPIRATION DATE: _____

CONTRACT VALUE: \$ _____

TIN: _____

SIC: _____

CONTRACT TYPE: _____

DESCRIPTION OF REQUIREMENT (Title): _____

RATINGS

Summarize contractor performance and circle the number which corresponds to the rating for each rating category. (See attached Rating Guidelines) At this time comments are limited to 2000 characters.

QUALITY OF PRODUCT OR SERVICE Rating: 0 1 2 3 4 5

Comments: _____

COST CONTROL Rating: 0 1 2 3 4 5

Comments: _____

TIMELINESS OF PERFORMANCE Rating: 0 1 2 3 4 5

Comments: _____

BUSINESS RELATIONS

Rating: 0 1 2 3 4 5

Comments:

SUBCONTRACTS

Are subcontracts involved? Yes No (Circle one)

Comments (Please comment on those subcontractors that have provided a significant contribution to overall contract performance.)

KEY PERSONNEL

PROJECT MANAGER/PRINCIPAL INVESTIGATOR (name):

Comments:

KEY PERSON (name):

Comments:

KEY PERSON (name):

Comments:

CUSTOMER SATISFACTION

Is/was the contractor committed to customer satisfaction? Yes No (Circle one)

If this is the Final Report:

Would you recommend selection of this firm again? Yes No (Circle one)

Comments:

PROJECT OFFICER (name):

SIGNATURE: _____

Phone:

FAX:

Internet Address:

Date:

CONTRACTING OFFICER CONCURRENCE: (Initial) _____

Date:

CONTRACTOR'S REPRESENTATIVE (name):

Phone:

FAX:

Internet Address:

SIGNATURE: _____

SUMMARY RATINGS:

QUALITY: _____

COST CONTROL: _____

TIMELINESS OF PERFORMANCE: _____ BUSINESS RELATIONS: _____

CONTRACTING OFFICER (*name*):

SIGNATURE: _____

Phone:

FAX:

Internet Address:

Date:

CONTRACTOR'S REVIEW:**Were comments, rebuttal, or additional information provided?**Yes No (*Circle one*)*(If yes: They are:**On file in:* _____*(Location)**(Phone))**Attached* _____ (*Check if attached*)

AGENCY REVIEW:**Were contractor comments reviewed at a level above the contracting officer?**Yes No (*Circle one*)*(If yes: They are:**On file in:* _____*(Location)**(Phone))**Attached* _____ (*Check if attached*)

CONTRACTOR PERFORMANCE REPORT INSTRUCTIONS

TOP SECTION

1. Check the appropriate block to indicate the type of report (Interim, Final).
2. Indicate the period covered by the report.
3. List the name of the contracting officer and the location of the contracting office.
4. Identify the contract number of the contract being evaluated. Enter Task No. if applicable.
5. List the name and address of the contractor.
6. Enter TIN and SIC.
7. Enter Type of Contract (A - Fixed price re-determination; J - Firm fixed price; K - Fixed price with economic price adjustment; L - Fixed price incentive; R - Cost plus award fee; S - Cost no fee; T - Cost sharing; U - Cost plus fixed fee; V - Cost plus incentive fee; Y - Time and materials; Z - Labor hours)
8. Indicate the contract award date and contract expiration date.
9. State the contract value, including any option amounts.
10. Provide a brief description of the work being performed under the contract (the title of the contract).

RATINGS

Using the rating guideline, assign each area a rating of 0 (unsatisfactory), 1 (poor), 2 (fair), 3 (good), 4 (excellent), or 5 (outstanding). Provide a brief narrative (*2000 characters or less*) for each of the categories to support the rating assigned. The categories are: quality of product or service, cost control, timeliness of performance, and business relations.

SUBCONTRACTORS

Indicate whether subcontracts are/were involved. Briefly summarize (*2000 characters or less*) the performance of any subcontractors that have major responsibilities under the contract or are required to perform a significant part of the contract requirement. This space may also be used to evaluate a prime contractor's management of a subcontractor.

KEY PERSONNEL

List the name of the project manager/principal investigator (required) and the names of two other key personnel (optional). Briefly describe the performance of the key personnel listed. (*2000 characters or less*)

CUSTOMER SATISFACTION

Circle the appropriate answer to indicate whether the contractor was committed to customer satisfaction. For the final report, indicate whether you would recommend selection of the firm again.

PROJECT OFFICER SIGNATURE

The project officer signs this block.

CONTRACTING OFFICER CONCURRENCE

The contracting officer initials this block, indicating concurrence with the initial rating.

CONTRACTOR'S REPRESENTATIVE

The contractor signs this next block, indicating review of the rating.

SUMMARY RATINGS

Indicate the rating given for each of the rating categories: quality of goods or services, cost control, timeliness of performance, and business relations.

CONTRACTING OFFICER SIGNATURE

The contracting officer signs the report when all actions are completed. If changes were made to the ratings or the narrative during the rebuttal process, a copy of the report, as revised, shall be promptly furnished to the contractor.

CONTRACTOR'S REVIEW

Indicate whether the contractor submitted a rebuttal or comments. Attach a copy of the contractor's rebuttal to this report, or indicate its location, if filed separately.

AGENCY REVIEW

If the contracting officer and the contractor are unable to agree on a final rating, the matter is to be referred to an individual one level above the contracting officer. Attach a copy of the agency's decision to this report, or indicate its location, if filed separately.