
Contracting Policy Bulletin

HQ AFSPC/LGCP

March 2001

HQ AFSPC/LGCP's monthly Contracting Policy Bulletin lists the latest updates to the FAR and FAR Supplements. In each issue the changes since the previous issue are highlighted. (For those reading this in Word 7.0, **all policy available on the Internet is hyperlinked directly to the web site where it is located. Just click on the blue text.**) Comments or recommendations regarding this Bulletin may be directed to Ms. Suzanne Snyder, e-mail: suzanne.snyder@peterson.af.mil or DSN 692-5498.

Current and past policy bulletins are posted on the HQ AFSPC/LGC Home Page (<http://www.peterson.af.mil/hqafspc/contracting/>).

Headlines

**Focus on Contractor Past Performance Evaluations
Evaluating GSA Delivery Orders
(Miscellaneous)**

**HUBZone Coding Concerns
(Miscellaneous)**

**Fiscal Law Keeping You Up at Night? Check out the GAO Website
(Miscellaneous)**

FAR

FACs (Available at <http://farsite.hill.af.mil/regst1.htm#FAC>)

No New FACs issued since FAC 97-23

DFARS

DFARS Change Notices (replaced DACs and Departmental Letters) (Available at <http://www.acq.osd.mil/dp/dars/dfars/changes.htm>)

No New DFARS Change Notices since DCN 20001213 was published on December 13, 2000

Class Deviations (Available at <http://www.acq.osd.mil/dp/dars/classdev.html>)

No new Class Deviations issued since CD 2001-00001

Other Director of Defense Procurement Memos (Available at http://www.safaq.hq.af.mil/contracting/policy/ddp_memo.cfm)

No new memos since 2 Aug 00.

AFFARS

AFACS (Available at <http://farsite.hill.af.mil/regst1.htm#AFAC>)

No new AFACs have been issued since AFAC 96-4, issued 13 Oct 00. Effective 20 Oct 00.

Contracting Policy Memos (Available at http://www.safaq.hq.af.mil/contracting/policy/das_pol.cfm)

No new policy memos have been issued since OO-C-03 dated 27 Dec 00

Contracting Information Memos (Available at http://www.safaq.hq.af.mil/contracting/policy/das_info.shtml)

No new Contracting Information Memos have been issued since 15 Oct 99.

Contracting Related Memos (Available at <http://www.safaq.hq.af.mil/contracting/policy/conrelatedmemo.html>)

No new Contracting Related Memos have been issued since 4 Dec 00.

AFSPCFARS (Available at <http://www.spacecom.af.mil/hqafspc/contracting/Policy/afspcfars1.htm>)

No changes to the AFSPC FAR Supplement since AFSPCAC 2000-01 dated Nov 00.

Information (Policy) Letters (Available at http://www.spacecom.af.mil/hqafspc/contracting/Policy/hq_air_force_space_command.htm)

No new INFO.LTRs have been issued since INFO.LTR 2000-08 dated 14 Sep 00.

MISCELLANEOUS

Contractor Past Performance Evaluations

- ◆ All information contained in each of the past performance systems is SOURCE SELECTION SENSITIVE/FOR OFFICIAL USE ONLY**see FAR 3.104**
- ◆ Any contract whose total contract value (aggregate of ALL years) exceeds the thresholds below must have a past performance evaluation accomplished beginning with the first year of the contract ((FAR 42.1503, FAR 36.201 and FAR 36.604).

| Business Sector* | Threshold | Past Performance System |
|-------------------------------------|------------------|--------------------------------|
| Services and Information Technology | >\$1M | CPARS/PPAIS |

| | | |
|---|---------|-------------|
| Systems and Operations Support | >\$5M | CPARS/PPAIS |
| Construction | >\$500K | CCASS |
| Architect and Engineer | >\$25K | ACASS |
| *For the definition of business sectors, see pages 19-21 of the DoD Past Performance Guide found at http://www.acq.osd.mil/ar/doc/ppiguide.pdf | | |

Here's a quick summary of the different past performance systems. AFSPC units have access to each of these systems.

Contractor Performance Assessment Reporting System (CPARS)

- ◆ AF is using the Navy's electronic CPARS for inputting FY98-00 CPARS which were previously collected manually on the AFMC 162A-1's
- ◆ Your unit CPARS focal points will be coordinating input of the completed CPARS (FY98-00 AFMC 162A-1's) into the electronic, web-based CPARS between Feb 2001 and Jun 2001
- ◆ All future CPARS (FY01 and beyond) will be handled through the electronic, on-line system
- ◆ Only the unit focal point can authorize access to the CPARS (including access authorization to the corporate designee for Contractors)
- ◆ Unit focal points will be providing training on how to use the electronic CPARS
- ◆ AFSPC CPARS focal points are:
 - HQ AFSPC/LGC: Margaret Gillam
 - 21 SW: Ron Hoskinson
 - 30 SW: Velma Davis
 - 45 SW: Judi Batchelor
 - 50 SW: Chris Barge
 - 90 SW: Warren Hart
 - 341 SW: Al Weed
 - 821 SPTS: Lee LoManto
 - AFSPC/CONF: Margaret Wages

 For more information, see <http://www.cpars.navy.mil>

Past Performance Automated Information System (PPAIS)

- ◆ PPAIS is the repository for the reports which input via CPARS
- ◆ PPAIS is the DoD system managed by the Navy
- ◆ You must request access authorization through the MAJCOM focal points (Margaret Gillam or Suzanne Snyder) through the on-line access request form (choose "AFSPC" when asked to select a group)

 For more information, see <https://dodppais.navy.mil/>

Construction Contractor Appraisal Support System (CCASS)

- ◆ Must be accomplished upon final acceptance of the work, at the time of contract termination or at other times, as appropriate (e.g., if performance spans two or more years, accomplish evaluation annually)
- ◆ File supplemental evaluation to reflect warranty and close-out performance
- ◆ Complete the on-line user id/password request and fax to the number provided on the form; you will receive your user id/password from the Corps of Engineers in approximately two weeks



For more information, see <https://www.nwp.usace.army.mil/ct/i/>

Click on “CCASS”

Architect-Engineer Contract Administration Support System (ACASS)

- ◆ Must be accomplished after final acceptance of the A-E contract work or after contract termination and after construction of the project
- ◆ Complete the on-line user id/password request and fax to the number provided on the form; you will receive your user id/password from the Corps of Engineers in approximately two weeks



For more information, see <https://www.nwp.usace.army.mil/ct/i/>

Click on “ACASS”

CPARS for Delivery Orders and Other Agency Contracts

The AF CPARS Guide, paragraph 2.2, found at: <http://www.cpars.navy.mil/cparsfiles/USAFGUIDE.pdf> provides information concerning the accomplishment of CPARs for delivery orders and other agency contracts. The AF Guide information is as follows:

Multiple Orders: “[w]hen multiple orders are placed against a single contract and the sum of the orders exceeds the thresholds...the [evaluator] may elect to prepare a single CPAR that includes all orders vice preparing separate CPARs for each order. If a single order exceeds the threshold, the [evaluator] may prepare a separate CPAR for that order, or may include that order in a consolidated CPAR for that contract.”

Other Agency Contracts: “[I]f orders are placed against contracts let by other agencies, coordination must be effected with that agency to determine who will complete the CPAR. ***In the case of GSA contracts***, ordering agencies [e.g., AFSPC units] will be responsible for completing CPARs since the ordering agency is best positioned to evaluate contractor performance.” [emphasis added]

Basic Ordering Agreements: “CPARs will be prepared on any order issued against a BOA that exceeds the dollar thresholds...since each BOA order constitutes an individual contract. Consolidation of multiple orders of similar effort into one CPAR is allowable. The standard procedure is for the ordering agency (recipient of services/items) to accomplish the past performance assessment and enter that assessment into their service’s PPI database.”

DOCUMENTING HUBZONE PARTICIPATION

How do you code DD350s for modifications to contracts issued to a HUBZone firm when the initial award and original DD350 did not code the awardee as a HUBZone firm? The answer, it depends what the designation of the firm was at the time of award. Here are the details.

Summary: When the DD350 for the basic contract award was not coded as a HUBZone firm, then generally you keep that non-HUBZ designation for the life of the contract (e.g., option exercise). An exception is when the DD350 was not coded HUBZone firm at basic award (either through error or because older DD350 forms didn't collect that data) AND the awardee was a HUBZone firm and certified as such by SBA (the only kind of HUBZone firm) on date of award, then subsequent DD350's can code as HUBZ. [Note you are still coding the status of the Kr on date of award.] But if the awardee was not HUBZ on date of award, but became HUBZ certified subsequent to award, we really should not be coding the DD350 for mods as HUBZ.

Remember, there are two kinds of HUBZ coding: Block D1C codes the nature of the contractor/awardee (HUBZone small business--yes/no). Block D4A codes the nature of the procurement--"K" if HUBZone competition or HUBZone sole source.

AFMC has issued policy letter on the subject which synopsised the language already contained in DFARS 253.204-70 relative the coding of Part D – it is attached for those who would like to read it.



HUBZ Coding Policy
Ltr (AFMC)...

Fiscal Law Website

GAO information about fiscal law is often referred to as “The Red Books” (even though they are green) and are somewhat buried on the GAO website. To get to them go to <http://www.gao.gov> then click on "Other Publications" then go down to "Complete List" (which is alphabetical), then go down to "Principles of Federal Appropriation Law" which is broken down by volume.

PROTEST SUMMARIES Jump to this website and then click on case you would like to read (<http://www.gao.gov/decisions/bidpro/bidpro.htm>) for the most current protest cases. The follow provides a sampling of recent protest cases.

Centro Management, Inc., B-286935; B-286935.2, February 26, 2001 -- Randolph Sheppard preference in awarding contract

Solicitation provision setting forth applicability of Randolph-Sheppard Act preference (establishing priority for the blind in the award of contract for cafeteria services) does not establish a requirement that, in addition to being included in the competitive range, in order to receive the statutory selection preference a proposal submitted by a state licensing agency for the blind must be evaluated as virtually equal in price and technical capability to the other competitive range proposals.

Power Connector, Inc., B-286875; B-286875.2, February 14, 2001 – past performance relevancy

In evaluating past performance under solicitation for quantity of leather, agency reasonably disregarded non-leather supply contracts in its evaluation of the protester, and limited its evaluation to leather contracts, on the basis that leather contracts were the most relevant.

Phoenix Scientific Corporation, B-286817, February 22, 2001 - bundled procurement

Protester's contention that an agency's solicitation is an improperly bundled procurement, in violation of the bundling restrictions in the Small Business Act, 15 U.S.C. § 631(j)(3) (Supp. IV 1998), is denied where the solicitation, while clearly comprised of consolidated requirements, does not fall within the reach of the Act because the solicitation will not result in contracts that are "unsuitable for award to a small-business concern," within the meaning of 15 U.S.C. § 632(o)(2). Protester's alternative contention that the bundling in the solicitation violated the Competition in Contracting Act of 1984, 10 U.S.C. § 2305(a)(1) (1994), is denied where the agency has established in the record that its consolidated approach is needed to satisfy its needs, and where the protester has not shown that the approach will not provide the benefits claimed, or is unreasonable.

Johnson Controls World Services, Inc., B-286714.2, February 13, 2001 – organizational conflict of interest

Protest that awardee had unfair competitive advantage due to organizational conflict of interest is sustained where awardee's proposed subcontractor possessed information through its work as a government contractor, the information was not available to other offerors, the agency took no steps to identify or mitigate the conflict in advance, and there were no meaningful procedures in place to prevent interaction between the employees possessing the information and the employees preparing the proposal. Protest that awardee has impaired objectivity type of organizational conflict of interest is sustained where record shows that, under the terms of another contract, proposed subcontractor will be making recommendations that could benefit the awardee, and the proposed subcontractor could be called upon to evaluate the performance of the awardee team.

Hunting for a specific GAO case? Try the following link and hunt by "B" number:
http://www.access.gpo.gov/su_docs/aces/aces170.shtml