

Federal Acquisition Regulation (FAR)
Past Performance Information
OMB Control No. 9000-0142
Justification – Part A Supporting Statement

FAR sections affected: 15.305(a)(2)(ii), 42.1503(d), and 52.212-1(b)(10)

Overview of Information Collection:

- This justification supports clearance of an extension of the collection.

There are no program changes. The FAR requirements remain the same. This extension includes adjustments to the burden due to use of the latest Federal Procurement Data System (FPDS) data available, the latest data available in the CPARS Automated Quarterly Metrics, and the calendar year 2024 OPM GS wage rates for the rest of the United States as explained in item 15.

1. Need & Method for the Information Collection. This clearance covers the information that offerors and contractors must submit to comply with the following FAR requirements:

Preaward. For responses during source selection.

- ***FAR 15.305(a)(2)(ii)***. This section requires solicitations to describe the approach for evaluating past performance, including evaluating offerors with no relevant performance history, and providing offerors an opportunity to identify past or current contracts (including Federal, State, and local government and private) for efforts similar to the Government requirement. Solicitations also must authorize offerors to provide information on problems encountered on their identified contracts and the offeror corrective actions. Per FAR 15.304(c)(3), past performance must be evaluated in all source selections for negotiated competitive acquisitions expected to exceed the simplified acquisition threshold (SAT) unless the contracting officer documents the reason past performance is not an appropriate evaluation factor for the acquisition.
- ***FAR 52.212-1, Instructions to Offerors–Commercial Products and Commercial Services***. This provision requires offerors, per paragraph (b)(10), to submit past performance information, when included as an evaluation factor, to

include recent and relevant contracts for the same or similar items and other references (including contract numbers, points of contact with telephone numbers and other relevant information).

Postaward. For responses in the Contractor Performance Assessment Reporting System (CPARS).

- ***FAR 42.1503(d)***. Requires contractors be afforded up to 14 calendar days from the notification date that a past performance evaluation has been entered into CPARS to submit comments, rebutting statements, or additional information. Past performance information is relevant information regarding a contractor's actions under previously awarded contracts or orders, for future source selection purposes. Source selection officials may obtain past performance information from a variety of sources.
2. Use of the Information. The contracting officer will use the information to support future source selection decisions.
 3. Use of Information Technology. Federal agencies use information technology to the maximum extent practicable. Where both the Government agency and contractors are capable of electronic interchange, the offerors and contractors may submit this information collection requirement electronically.
 4. Non-duplication. These requirements are issued under the FAR, which has been developed to standardize Federal procurement practices and eliminate unnecessary duplication.
 5. Burden on Small Business. The burden applied to small businesses is the minimum consistent with applicable laws, Executive orders, regulations, and prudent business practices.
 6. Less Frequent Collection. Collection of information on a basis other than solicitation-by-solicitation or contract-by-contract is not practical.
 7. Paperwork Reduction Act Guidelines. Collection is consistent with guidelines in 5 CFR 1320.5(d)(2).
 8. Consultation and Public Comments.
 - A. A 60-day notice was published in the *Federal Register* at 89 FR 24478, on April 8, 2024. No comments were received.
 - B. A 30-day notice was published in the *Federal Register* at

89 FR 51343, on June 17, 2024.

9. Gifts or Payment. This collection does not provide any payment or gift to respondents, other than remuneration of contractors.

10. Privacy & Confidentiality. This information is disclosed only to the extent consistent with prudent business practices, current regulations, and statutory requirements.

11. Sensitive Questions. No sensitive questions are involved.

12. Burden Estimate.

a. **Preaward**. For responses during source selection: According to FPDS for fiscal years (FY) 2021 through 2023, there were, on average, 4,657 competitive awards (excluding delivery orders/calls) valued over the SAT (\$250,000). Subject matter experts estimate two hours as the average time required to read and prepare information for this collection. It is also estimated that the average number of offerors per solicitation would be four.

Estimated respondents/yr.....	4,657
Responses annually.....	<u>x 4</u>
Total annual responses.....	18,629
Estimated hrs/response.....	<u>x 2</u>
Estimated total burden hours.....	37,259
Hourly rate*.....	<u>x \$58</u>
Estimated annual cost to the public.	\$2,161,003

b. **Postaward**. For responses in CPARS: According to the CPARS quarterly metrics at <https://www.cpars.gov/metrics.htm>, comparing the number of contracts registered in CPARS as of the fourth quarter of FY 2020 (723,788) with the fourth quarter of FY 2023 (891,826), there were an annual average of 56,012 ((891,826-723,788)/3) new contracts registered in CPARS. Subject matter experts estimate two hours is the average amount of time to read and prepare information for this collection, considering that contractors generally do not comment on past performance evaluations, unless negative information is reported.

Estimated respondents/yr.....	56,012
Responses annually.....	<u>x 1</u>
Total annual responses.....	56,012
Estimated hrs/response.....	<u>x 2</u>
Estimated total burden hours.....	112,024
Hourly rate*.....	<u>x \$58</u>

Estimated annual cost to the public. \$6,497,392

SUMMARY	Preaward	Postaward	Total
Respondents	4,657	56,012	60,669
Responses annually	4	1	
Responses	18,629	56,012	74,641
Hours/responses	2	2	
Burden Hours	37,259	112,024	149,283
*Hourly rate	\$58.00	\$58.00	
Estimated cost to public	\$2,161,003	\$6,497,392	\$8,658,395

* Fully burdened rates include a 36.25 percent fringe factor (pursuant to the rate provided in OMB memorandum M-08-13 for use in public-private competition), and a 12 percent overhead rate (from A-76 revised supplemental handbook). Based on the Office of Personnel Management (OPM) 2024 General Schedule (GS) 11/step 5 salary for the rest of the United States (\$39.40 per hour) plus the fringe factor and the overhead rate, rounded to the nearest whole dollar (\$58).

13. Estimated nonrecurring costs. Not applicable.

14. Estimated cost to the Government.

Time required for Governmentwide review is estimated at 1 hour per response.

SUMMARY Government burden	Total
Responses annually	74,641
Hours/response	1
Burden Hours	74,641
*Hourly rate	\$58.00
Estimated cost to Government	\$4,329,197

15. Reasons for changes. There are no program changes. The FAR requirements remain the same. This extension includes

adjustments to the public and Government burden estimates based on the following:

- The preaward estimated number of respondents and responses per year is based on FPDS data for the three most recent FYs 2021 through 2023. Only negotiated competitive awards are accounted for in the estimate. The FPDS data field used was "DEFINITIVE CONTRACT," which includes all types of commitments that obligate the Government to an expenditure of appropriated funds except purchase orders, delivery orders and BPA calls.
- The postaward estimated number of respondents and responses per year is based on the FY 2021-2023 average number of new contracts registered in CPARS based on the CPARS quarterly metrics at <https://www.cpars.gov/metrics.htm>.
- The Government estimated cost per hour is based on use of the current (calendar year 2024) OPM GS wage rates for the rest of the United States.

	2021 Estimate	2024 Estimate	Change in Burden
Number of respondents	65,373	60,669	-4,704
Total annual responses	83,262	74,641	-8,621
Total burden hours	166,524	149,283	-17,241
Total annual cost to public	\$7,993,152	\$8,658,395	\$665,243

16. Publicizing

Results. Results will not be tabulated or published.

17. OMB Not to Display Approval. Approval to *not* display the expiration date for OMB approval of the information collection is not sought.
18. Exceptions to "Certification for Paperwork Reduction Submissions". There is no exception to the certification statement.
19. Surveys, Censuses, and Other Collections that Employ Statistical Methods. Statistical methods are not used in this information collection. A Part B supporting statement is not needed, or required, and therefore was not completed.